

July 13, 2020
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 13, 2020, was called to order at 6:02 p.m. by the Honorable Acting Mayor Debi Ross.

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, and CHARLIE HIGHT (7/0). Council Member JANE GINN was absent. City Clerk/Treasurer Diane Whitbey, and City Attorney Amy Fields were also present.

Note: the majority of Council Members participated in the meeting electronically. Acting Mayor Ross, City Clerk Whitbey, City Attorney Fields and City Council Member Ron Harris were present in the council chambers. City Council Member Ginn entered the council chambers following communications below.

The prayer was led by Council Member White.

On the blanket motion of Council Member Baxter and seconded by Council Member Robinson, and by consent of all members present, communications #1, 2, 3, 4, 5, 6, and 7, were accepted and filed (7/0).

1. Nina Hale, Petition requesting Speed Hump on West 19th (15 signatures for).
2. Ember Strange, Finance Director/Chair Energy Risk Management Committee re: Power Cost Adjustment Rate (PCA) for July, 2020 (.0019/kwh) negative.
3. Anita Paul, Mayor's Office memorandum re: Restaurant Mixed Drink Minimum - Transfer of Location, for Newfangled Love Kitchen, 3812 John F Kennedy Boulevard by Kyle Dismang.
4. Anita Paul, Mayor's Office memorandum re: Native Beer/Restaurant Mixed Drink Minimum – Transfer of Location, for North Bar, 3824 John F Kennedy Boulevard by Kyle Dismang.
5. Anita Paul, Mayor's Office memorandum re: Grocery Store Wine, Retail Beer off Premises and Small Farm Wine - New, for Shoppers Value Foods #5803, 4155 East Broadway, by Christopher DeSalvo.
6. John Owens, North Little Rock Chamber of Commerce President/CEO, re: Resolution in support of required mask Ordinance. Chamber of Commerce providing assistance by spreading information to the business community about the Ordinance.
7. Brad Robertson, Vice President of Development, Habitat for Humanity of Central AR re: Invitation 31st Founding Day July 25, 2020 9:00 a.m. to 11:00 a.m., 4901 Allen Street.

On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, communication #8 was read, accepted and filed (7/0).

8. Mayor Joe A. Smith letter to City Clerk Diane Whitbey and City Council Members re: unable to attend July 13, 2020, City Council Meeting. Council Member Debi Ross will preside over the meeting.

Note: Council Member Ginn entered the Council Chambers at 6:06 p.m.

On the motion of Council Member Harris and seconded by Council Member Robinson and by consent of all members present, the minutes from the North Little Rock City Council meeting scheduled for Monday, June 22, 2020, were approved, accepted and filed as prepared by the City Clerk (8/0).

Note: those wishing to speak during public comment were allowed to call into the meeting and placed in a call-waiting room. They will be called upon as or if needed as legislation is called.

Mr. Joe Reynolds (*present in council chambers*) spoke in support of R-20-94. He said the monument would be an asset to the city. Three people started the project, which included Mr. Reynolds, Mr. Bill Yeates who owned the property, and Mr. Jim Dixon with Razorback Signs. The monument is located on Military and MacArthur Drive. The site has bricks in place with the names of family members who have served in the military. Mr. John Owens, North Little Rock Chamber of Commerce President spoke regarding O-20-63. A week ago, business members of the Chamber reached out to Mr. Owens and expressed concern that there was no mask ordinance in the City of North Little Rock. One business member has a wife with a compromised immune system. They were afraid to go out to eat and other things because many people were not following CDC (Centers for Disease Control) guidelines. Mr. Owens contacted Mayor Joe A. Smith regarding the city's plans, at which time he learned the city would be presenting legislation regarding the same. The Chamber of Commerce Board of Directors then met and adopted a Resolution supporting the legislation and providing assistance in providing the information to members. Mr. Owens said the Board voted 47 to 3 to support the ordinance. Mr. Owens then read the Resolution. He said no one likes wearing a mask, but if it helps open up businesses and recreational activities, including sporting events, then he is all for it. The Chamber of Commerce created signs they will email to business members to use to let their customers know that their business requires a mask. Printed copies will be available at the Chamber and at North Little Rock City Hall. The North Little Rock Chamber of Commerce has 1,500 members. 800 are business members located within the city of North Little Rock. Ms. Alisa Dixon is running for Arkansas State Senate District 34. She thanked council members for their work in the city. She said running a campaign during a pandemic is unusual and somewhat challenging. Ms. Dixon said District 34 includes parts of North Little Rock, Sherwood, Maumelle and Jacksonville. She has lived in the district 33 years and raised her family here. She has family in the area and grandchildren in the North Little Rock School District. She will be an independent voice and not be a "rubber stamp". How resources are spent makes a difference in communities. The pandemic is effecting the economy,

education and the Health system. Small businesses and families are struggling. Ms. Dixon said she was an educator for 35 years and will use her experience to help her constituents.

UNFINISHED BUSINESS

O-20-58 (ORDINANCE NO. 9263 – MAYOR SMITH, COUNCIL MEMBERS ROSS, WHITE, TAYLOR, ROBINSON, BAXTER, HARRIS, GINN AND HIGHT)

AN ORDINANCE TO REPEAL PORTIONS OF THE OLD ZONING ORDINANCE (ORDINANCE NO. 7697) AND ALL AMENDMENTS THERETO; ADOPTING A NEW ZONING ORDINANCE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time June 22, 2020. Mayor Smith convened a public hearing which was recessed until this date. The ordinance was called and read a second time. On the motion of Council Member Hight and seconded by Council Member Harris, and by consent of all members present, with the exception of Council Member White who was having technical difficulties and was recorded as a pass, the remaining readings were suspended (7/1). A motion to adopt was made by Council Member Robinson and seconded by Council Member Baxter. Acting Mayor Ross reconvened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Council Member White who was having technical difficulties and recorded as a pass, the ordinance was adopted (7/1). On the emergency clause, all members present voted in the affirmative, with the exception of Council Member White who was having technical difficulties and recorded as a pass, the emergency clause was adopted (7/1).

CONSENT AGENDA

Acting Mayor Ross called for a voice vote on consent items R-20-87, R-20-88, R-20-89, R-20-90, R-20-91, R-20-92 and R-20-93 (8/0).

R-20-87 (RESOLUTION NO. 9876 – MAYOR SMITH)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF JIM McKENZIE TO THE BOARD OF COMMISSIONERS OF CENTRAL ARKANSAS WATER; AND FOR OTHER PURPOSES, was adopted (8/0).

R-20-88 (RESOLUTION NO. 9877 – MAYOR SMITH)

A RESOLUTION REAPPOINTING JEANNE HYDE TO THE POSITION ON THE LAKEWOOD RECREATIONAL AREA IMPROVEMENT DISTRICT NO. 4 BOARD OF ASSESSMENT; AND FOR OTHER PURPOSES, was adopted (8/0).

R-20-89 (RESOLUTION NO. 9878 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (8/0). *Note: the city has sold over \$1 million in items on GovDeals since joining the program.*

R-20-90 (RESOLUTION NO. 9879 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION TO DONATE PROPERTY FOR THE INTERSTATE 30 AND INTERSTATE 40 WIDENING AND RECONSTRUCTION PROJECT; AND FOR OTHER PURPOSES, was adopted (8/0).

R-20-91 (RESOLUTION NO. 9880 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A PERMANENT UTILITY EASEMENT FROM THE CITY OF NORTH LITTLE ROCK TO THE DEPARTMENT OF VETERANS' AFFAIRS FOR UNDERGROUND UTILITIES; AND FOR OTHER PURPOSES, was adopted (8/0).

R-20-92 (RESOLUTION NO. 9881 – MAYOR SMITH)

A RESOLUTION REPEALING RESOLUTION NO. 9730 WHICH CONDEMNED PROPERTY LOCATED AT 1521 ORANGE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was adopted (8/0). (*Jermaine Merrida*)

R-20-93 (RESOLUTION NO. 9882 – COUNCIL MEMBERS HIGHT, ROBINSON AND TAYLOR)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK TO UTILIZE ARKANSAS RECREATIONAL TRAIL PROGRAM (RTP) FUNDS FOR THE RIVER ROAD BIKE TRAIL PROJECT; AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION ON BEHALF OF THE CITY FOR GRANT FUNDS; AND FOR OTHER PURPOSES, was adopted (8/0).

NEW BUSINESS

R-20-94 (RESOLUTION NO. 9883 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT THE DONATION OF CERTAIN REAL PROPERTY LOCATED AT 5501 MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK FROM BILL YEATES; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Harris, and by consent of all members present, with the exception of Council Member Baxter who was having technical difficulties and recorded as a pass, the resolution was adopted (7/1). (*Monument Plaza*)

R-20-95 (RESOLUTION NO. 9884 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CONTRACT WITH WESTERN MILLWRIGHT SERVICES, INC. TO REMODEL THE FRATERNAL ORDER OF POLICE LODGE; APPROPRIATING FUNDS FOR FLOOD RELATED

EXPENSES FROM THE FEMA FLOOD ACCOUNT; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Harris, and by consent of all members present, with the exception of Council Member Baxter who was having technical difficulties and recorded as a pass, the resolution was adopted (7/1). (\$74,031.85)

R-20-96 (RESOLUTION NO. 9885 – COUNCIL MEMBER ROBINSON)
A RESOLUTION REQUIRING COMMUNITY GARDENS TO BE FREE FROM CITY LIENS PRIOR TO THE EXECUTION OF A COMMUNITY GARDEN LICENSE AGREEMENT; was read. On the motion of Council Member Robinson and seconded by Council Member Taylor, and by consent of all members present, with the exception of Council Member Baxter who was having technical difficulties and recorded as a pass, the resolution was adopted (7/1). Council Member Robinson said this is to ensure that agreements are followed in the future.

R-20-97 (RESOLUTION NO. 9886 – 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 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 Robinson and seconded by Council Member Harris. Acting Mayor Ross convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

O-20-63 (ORDINANCE NO. 9264 – MAYOR SMITH)
AN ORDINANCE REGARDING THE USE OF MASKS IN RELATION TO THE COVID-19 PANDEMIC IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member White, and by consent of all members present, the readings were suspended (8/0). Council Member Ginn asked about face coverings being required any time a person is exposed to non-household members. She referenced exercising and the recommendations of the World Health Organization (WHO). City Attorney Fields said the city is following the Arkansas Department of Health (ADH) guidelines. Council Member Ginn asked if masks would be required outside when temperatures are high or when in a vehicle with a non-family member. City Attorney Fields said these are tough questions. She encouraged maintaining six feet (social distancing) when outside (outdoors). Ms. Fields said the only enforcement the city can provide is to assist a business that has mandated masks if a person comes in and does not comply with the requirement. Council Member Ginn asked if the ordinance would end in 60 days. City Attorney Fields said there is not an expiration date in the ordinance. However, it will be dependent on the State of Emergency declared by the (Arkansas) Governor and ADH guidelines. Council Member Ginn said the Arkansas Municipal League (AML) advised there were 334 active cases in the city as of July 3,

2020. Council Member Hight said the state Department of Health regulates gyms and restaurants. This ordinance applies to businesses including restaurants if management has an issue with someone refusing to comply. Council Member White said the (Patrick Henry) Hays (Senior) Center opening regulations include that members can remove their mask while exercising. Council Member Taylor provided a couple of examples of being outdoors and asked if a mask would be required. City Attorney Fields said it depends. Council Member Ross referenced ADH guidance on when to wear a mask. "All indoor environments when exposed to non-household members and distancing of six feet cannot be assured." Council Member Ross said this provides the business the opportunity to call the police for assistance if they have their rules posted on their door. This ordinance is not to be used by residents to call and report of a fellow customer in the grocery store, etc. If a customer sees an issue or has a concern, they need to contact the manager or owner of the business. There are no penalties associated with this ordinance. The governor has not given the city the ability to impose penalties. Council Member Ross said she has been contacted by a lot of business owners who support this ordinance. The city is taking its guidance from ADH. The majority of constituents who contacted her support this legislation. Council Member Ginn said children under the age of two and those with asthma or other breathing issues are not recommended to wear a mask to name a few. She then asked if a person would need a written excuse to be excused from wearing a mask. Interim Police Chief Tracy Roulston said that will not be required. Officers will take the word of the individual as to why they are unable to wear a mask. Council Member Robinson said if a person cannot wear a mask and the business is requesting a mask, the person should leave. Some businesses have masks available to their customers. Ms. Whitbey then read three emailed public comments. Mr. Kent Walker said UAMS (University of Arkansas for Medical Sciences) advised masks are like pouring cold water on the virus. Until such a time as the Governor mandates masks state-wide, the passage of city ordinances are the best we can accomplish. He encouraged council members to vote for the legislation. Mr. Walker also advised ICU and hospital resources are reaching full capacity. Mr. Jason Brown asked the council to pass the mask ordinance for all indoor public places and said medical professionals and health organizations in the U. S. and beyond have released overwhelming science that prove face coverings can prevent the spread of COVID-19. The state of Arkansas has seen record numbers of cases in the past few weeks and something must be done to slow the spread of the virus. The only way to allow businesses to operate and keep citizens safe is to mandate masks. A mask ordinance will give business owners the guidance needed to enforce safe practices for its employees and customers under the support of city government. Mr. Matt Garbacz asked several questions in his comments. Do any council members have a medical background and who is their medical expert? What was the scientific information used to justify a mandatory mask ordinance? How will lost tax revenue be addressed? How will the city help businesses affected by this ordinance? He concluded by asking council members to vote against the ordinance. Council Member Ross asked City Attorney Fields to advise when the ordinance would go into effect. Ms. Fields said it will be upon publication (in a local newspaper). Ms. Whitbey said her staff will try to get it published Wednesday, July 15, 2020, in *The Leader*. On the motion of Council Member Hight and seconded by Council Member White, and the roll having been called, and all members present having voted in the affirmative, the ordinance was

unanimously adopted (8/0). On the emergency clause, and all members present voted in the affirmative, with the exception of Council Member Robinson who was having technical difficulties and recorded as a pass, the emergency clause was adopted (7/1).

O-20-64 (ORDINANCE NO. 9265 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO DIAMOND CONSTRUCTION COMPANY FOR THE EMERGENCY REPAIR OF A STORMWATER PIPE AT BIRKSTONE DRIVE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Hight, and by consent of all members present, with the exception of Council Member Robinson who was having technical difficulties and recorded as a pass, the readings were suspended (7/1). On the motion of Council Member Harris and seconded by Council Member Ginn, 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). (\$111,583.25)

O-20-65 (ORDINANCE NO. 9266 – COUNCIL MEMBERS ROSS AND WHITE)

AN ORDINANCE ACCEPTING THE DEDICATION OF LAKEWOOD PARK DRIVE 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, with the exception of Council Member Baxter who was having technical difficulties and recorded as a pass, the readings were suspended (7/1). A motion to adopt was made by Council Member Ross and seconded by Council Member Harris. Council Member Taylor asked why the city was accepting the dedication of this street. Council Member Ross said this agreement includes the Lakewood Park Property Owners Association will take care of maintenance for five years. The city would assume maintenance after that time. City Attorney Fields said this has been done in the past (in lieu of a bond). Council Member Taylor asked how this street was different from street(s) at Deer Meadows that were denied a few years ago. City Engineer Chris Wilbourn said this road met all city standards. The roads in Deer Meadows were not constructed to city standards. There were several streets along Colonel Maynard that were not accepted by the city when the area was annexed. Council Member Taylor said the city allowed them to be built below standards. The area was not in the city limits, but it was in the territorial jurisdiction so they should have been built to required standards. Mr. Wilbourn and Planning Director Shawn Spencer were not involved at the time. 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).

PUBLIC COMMENT

Council Member Robinson said one of her constituents wanted her to compliment Robert Birch on videos in support of business and the city. The one she referenced had over 10,000 views. “With so much negativity, it is refreshing to see people being positive about the city of North Little Rock.”

“North Little Rock by far is not perfect, however, it’s really good to see people showcasing and saying positive things about the city that they love.”

There being no further business to come before the Council, and on the motion of Council Member Hight and seconded by Council Member Taylor, and by consent of all members present, the meeting was adjourned at 6:56 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, July 27, 2020, 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