

November 9, 2020
Six o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

The North Little Rock City Council meeting scheduled for this date was preceded by the 2021 Budget Hearing. Mayor Smith convened the public hearing at 5:11 p.m. and asked Finance Director, Ember Strange, to provide an executive summary of the proposed budget.

Mrs. Strange began with the General Fund Summary which included revenues and expenditures. Revenue is listed at approximately 3% above the 2020 original budget or \$2 million. Sales and property tax have been projected to be flat compared to those of 2020 and due to the ongoing COVID-19 pandemic and uncertainty. There is a slight decrease in various fees including: licenses, permits, franchise, charges for services, fines, etc. Again this is due to the pandemic. The increase comes from Miscellaneous Revenue (approximately \$2 million) – Carry Forward funds which includes the Corona Virus Relief Fund Grant. There was an increase in (State) 911 Revenue Reimbursement due to the 2019 Public Safety Act which changed revenue calculations. Under expenses, the majority of the increase is under Police and Fire raises which is included in the Union Contract. Police LOPFI Contribution is increasing 1% (from 18.79 to 19.79). The city is reviewing the Non-Uniform Employee Pension Plan and the board has been working with the Actuary. The city's plan rewards employees for long-term service. Retirement pension for an employee who has been with the city 20 years and reaches the age of 65 it is calculated at a 2% multiplier. The Pension Board is working on amending the plan to allow the 2% multiplier, rather than 1.8% at the age of 62 with 30 years of service. In order to maintain the funding status of the plan, the city's contribution will have to increase by 1.35%. The employee contribution would remain at 5%. The city's total contribution would increase to 11.35%. The cost would be approximately \$390,000.00. Employees received 2% raises in August, 2020. Health Insurance premiums increased and the plan changed from a tier of 5 and 6 to 6 and 7. Employees still have two plan options (\$500.00 deductible or \$1,200.00 deductible). On page 28 – Maintenance of Auto/Truck (Code Enforcement) should be \$10,000.00. Street Fund Revenue was down 9% due to a decrease in the Carry Forward Funds. A Vacancy Savings Account was created for savings from unfilled positions within the department. On page 44 – Electric Current for Signals should be \$12,500.00. Food and Lodging Tax accounts for 72% of the Parks Department funding. Due to COVID-19, the revenue source is approximately \$510,000.00 below the original 2020 Budget. The increase in the IT Department is to cover support provided to all city departments. Pages 68 and 69 included a summary for all departments. The Airport Fund is consistent with previous years. The overall Electric Department Revenue and Expenditures was also reviewed.

Council Member Ross said there was \$100,000.00 set aside for the McCain median area. She would like to carry that over and add another \$50,000.00. These funds would help cover the cost of irrigation

and burying street lights (cables). Council Member Ross requested reducing the Mayor's Contingency Fund from \$30,000.00 to \$15,000.00 and moving the other \$15,000.00 to the Assistance to Food Programs line item. Council Member Hight agreed with increasing the Food Pantry item, but disagreed with reducing the Mayor's Contingency Fund. Council Member Ross made a motion, seconded by Council Member Robinson to reduce the Mayor's Contingency Fund from \$30,000.00 to \$15,000.00 and putting the remaining \$15,000.00 under Food Programs. Mayor Smith said a lot of things come out of the Contingency Fund including purchasing ads to promote the city properties or services. Funds can be used to promote upcoming events. The following members voted yes: Ross, White, Robinson and Ginn. The following members voted no: Taylor, Baxter, Harris and Hight. Mayor Smith also voted no. The motion failed (5/4). Council Member Ross referenced the \$150,000.00 allocation to the History Commission Renovations. The same was included for 2021. Council Member Ross asked for \$15,000.00 to be added to Food Programs. Mayor Smith asked how the additional funds would be distributed. Council Member White said the city needs to see which food pantries are still in service and active and divide the funds among them. Council Member Robinson requested moving the funds from the Mayor's budget to Code Enforcement. Mayor Smith said he disagreed with the addition of new Code Enforcement Officers. Also, the new mayor will need the assistance a Chief of Staff can provide. Council Member Robinson and a motion to delete the Chief of Staff position and add two new Code Enforcement Officers which was seconded by Council Member Ross. Council Member Ross asked if these positions would be assigned to Code Enforcement or Sanitation. Council Member Hight agreed with the need for additional Code Enforcement Officers but also said the Mayor will still need a Chief of Staff. Council Member Taylor said the Chief of Staff position was created after the Public Works Director position was eliminated. He said he felt the Public Works Department ran better with a Public Works Director. Council Member Taylor said he has seen project delays which are not due to funding. Code Enforcement Director Tom Wadley said their goal is to abate nuisances. There are two ways to do this. First, physically do it by mowing, condemning property, and abating nuisances. Code Enforcement cannot make a person air up their tires or pick up trash. This is handled through the courts. However, the courts are also limited on what they can do. Neither the city nor the courts can force compliance. Council Member Ginn asked about the volume of work. Mr. Wadley said they have issues with repeat offenders and new cases. Council Member White called upon Mayor Smith when he was a member of former Mayor (Patrick Henry) Hays staff. She has been able to contact Chief Danny Bradley with the same concerns and issues and agreed with keeping the position. Council Member Harris also agreed. Council Member Taylor suggested adding one code position, then review the need. City Attorney Fields advised this is not a formal council meeting. It is a public hearing only. The vote is to determine the will of the council members. The Mayor presents the budget for council approval. The following members voted yes: Ross, Taylor and Robinson. The following members voted no: White, Baxter, Harris, Ginn, and Hight. The motion failed (5/3).

Mayor Smith recessed the Budget Hearing at 5:56 p.m.

The regular meeting of the North Little Rock City Council scheduled for Monday, November 9, 2020, was called to order at 6:06 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, JANE GINN and CHARLIE HIGHT (8/0). City Clerk/Treasurer Diane Whitbey, and City Attorney Amy Fields were also present.

Note: the majority of Council Members participated in the meeting electronically. Mayor Smith, City Clerk Whitbey, City Attorney Fields, and Council Members Ross and Ginn were present in the council chambers.

The prayer was led by Council Member Robinson.

On the blanket motion of Council Member Ross and seconded by Council Member Hight, and by consent of all members present, communications #1, 2, 3, and 4 were accepted and filed (8/0).

1. Ember Strange, Finance Director/Chair Energy Risk Management Committee memorandum re: Power Cost Adjustment rate (PCA) for November, 2020 – (.0029/kwh) negative.
2. Anita Paul, Mayor's Office memorandum re: *Replacement – Retail Beer off Premises for Super Stop Main Street* fka Kwon Management Company, 1400 Main Street, by Kyong Son.

On the motion of Council Member Baxter and seconded by Council Member Ross, and by consent of all members present, the minutes from the North Little Rock City Council meeting scheduled for Monday, October 26, 2020, were approved, accepted and filed as prepared by the City Clerk (8/0).

PRESENTATIONS

None.

UNFINISHED BUSINESS

O-20-97

AN ORDINANCE AMENDING THE MASTER STREET PLAN (ORDINANCE NO. 8601) TO CONSTRUCT A BIKE LANE ADJACENT TO RIVER ROAD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Council Member Robinson.

CONSENT AGENDA

None filed.

NEW BUSINESS

R-20-157 (RESOLUTION NO. 9945 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A FIRST ADDENDUM TO THE EXCLUSIVE LISTING CONTRACT WITH NEWMARK MOSES TUCKER PARTNERS TO EXTEND THE EXPIRATION DATE TO MAY 31, 2021; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member White, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-20-158

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 3805 MACARTHUR 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. Mayor Smith convened a public hearing. Ms. Whitbey read a comment provided via email from Mr. Jerry Guzman/Operations Manager regarding a contract to purchase the property at 3805 MacArthur Drive. The closing date is set for November 20, 2020. Mr. Guzman indicated he would remove a Morgan building from the property. Mayor Smith then adjourned the public hearing and held the legislation. Council Member Hight said Mr. Guzman is a business owner in the city.

R-20-159 (RESOLUTION N O. 9946 – 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 314 AND 316 E. 20TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Ross and seconded by Council Member Ginn. 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).
(\$6,176.12)

R-20-160 (RESOLUTION NO. 9947 – 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 Council Member Ross and seconded by Council Member Ginn. 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-20-99

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 13, SOLID WASTE (ORDINANCE NO. 8585, AS AMENDED, BY ORDINANCE NO. 9073 AND 9223); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held by the sponsor, Mayor Smith, to allow additional time to review. Mayor Smith said the purpose of the legislation is to clean up the Sanitation code. Council Member Ross asked if the city only picks up a certain amount of trash and there are piles in front of some houses, how will it be dealt with. Chief of Staff Danny Bradley said the city will eventually pick it up and access fees. City Attorney said the city can only place liens on vacant or abandoned properties. This is restricted by State Statute. Chief Bradley said the issue is “move-outs” where a tenant will move out and the trash is moved from one location to another. If it exceeds the limit, the property owner can contract with the city (for a fee) to remove the trash or remove it themselves. The property owner would be subject to criminal prosecution if they fail to do either. There are other issues within the code that need to be addressed as well. Council Member Ross recommended a time limit to comply. Council Member White said the average resident does not know the majority of this information. Mayor Smith said there are only a few landlords who are the repeat violators. Council Member Robinson said education is the key. She recommended an insert in electric bills.

O-20-100 (ORDINANCE NO. 9299 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO AIR CLEANING TECHNOLOGIES INC. FOR THE TRANSFER AND INSTALLATION OF THE VEHICLE EXHAUST VENTILATION SYSTEM FROM THE CURRENT TO THE NEW FIRE STATION NO. 6; DECLARING AN EMERGENCY; 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 readings were suspended (8/0). On the motion of Council Member Hight and seconded by Council Member Ross, 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). (\$20,400.00)

O-20-101 (ORDINANCE NO. 9300 – MAYOR SMITH)

AN ORDINANCE GRANTING CARRYOVER VACATION TIME TO CERTAIN EMPLOYEES; DECLARING AN EMERGENCY; 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 readings were suspended (8/0). A motion to adopt was made by Council Member Ross and seconded by Council Member Taylor. Mayor Smith said some employees (police, fire, public works, electric, etc.) were restricted on using vacation leave as a result of protests earlier this year, COVID-19 (and the 2019 Flood). A separate account will be set up for those employees to put in carryover time into which would normally be lost at the end of the year. Council Member Ross asked if the employee could choose pay instead of a carryover account. Ms. Fields said any remaining days would be paid upon separation from the city. On the previous motion, and by the roll having been

called, and all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-20-102 (ORDINANCE NO. 9301 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE AMENDING THE MASTER STREET PLAN (ORDINANCE NO. 8601) TO REMOVE A PROPOSED BIKE PATH SEGMENT FROM PAUL DUKE DRIVE TO WEST 15TH STREET; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Robinson, 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 Robinson. Council Member Hight said this removes a bike path through a new apartment complex. Legislation will be forthcoming to replace the bike path in the Master Street Plan in the near future. 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).

O-20-103

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR WASH IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4315 MCCAIN BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion was made by Council Member Hight and seconded by Council Member Ross. Mr. Desmond Hervey spoke against the Conditional Use and advised it is not about competition. He has an approved use to build a car wash at 4000 East McCain. In May of 2019, he looked at the property at 4315 McCain and determined there was a traffic issue in the area as it is 90 yards from the intersection with Smokey Lane. The natural flow of traffic for East McCain goes west to east. There is a dedication left turn lane for drivers traveling east to west on McCain. Mr. Hervey referenced a handout he provided and highlights regarding the traffic flow. He referenced a double yellow line (on the roadway) at the transition point of the turn lane. A typical carwash services 300 to 400 cars a day during the week and double the number on Saturday. Mr. Hervey said he contacted the (Arkansas State) Highway Department and was advised McCain was too small for a dedicated left turn lane to the property. Council Member Ginn asked about crossing a double yellow line. Mr. Shawn Spencer, Planning Director said staff, the City Engineer, Traffic Engineer, and Planning Commission reviewed the proposal. City Engineer Chris Wilbourn said it is illegal to cross a double yellow line. Council Member Ginn then asked if the council approves the request, how customers will access the property. Mayor Smith asked why the applicant wasn't advised of this when the item was before the Planning Commission. Mayor Smith asked Mr. Stephen McBee, the applicant if he was aware of the double yellow line issue. Mr. McBee said he was not, however, when they were calculating their traffic count they only needed the flow from east to west to support the car wash. Mayor Smith suggested holding the legislation to allow traffic the opportunity to visit the site. Ms. Galyna a Saltkovska, also an applicant said they did their research and are happy with the lot. Council Member Hight then held the legislation. (*McBee's Coffee 'N Carwash, LLC*)

O-20-104 (ORDINANCE NO. 9302 – COUNCIL MEMBER BAXTER)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A BIOHAZARDOUS STORAGE AND CLEAN UP BUSINESS IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 10 COLLINS INDUSTRIAL PLACE SUITE 1A 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 Ross, and by consent of all members present, the readings were suspended (8/0). On the motion of Council Member Baxter and seconded by Council Member Ross, 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: Aftermath Services, LLC*)

PUBLIC COMMENT

Mr. Jess McMullen, Flyway Brewing and Brood & Barley, spoke regarding the Argenta Outdoor Dining District. The restaurants downtown have met weekly for the past 15 weeks. The positive impact of the Outdoor Dining District has been tremendous for the restaurant businesses. This includes being able to shut down the street on the weekends. Mr. McMullen share several magazine articles featuring these events and the new urbanism. There are nine (9) restaurants and bars that are thriving on the weekend. Having the opportunity to continue to do this through the winter months (weather permitting) will mean a lot. There are other cities around the country that have restaurant coalitions. That is what is happening in the Argenta neighborhood. Mayor Smith said city offices will be closed Wednesday, November 11, 2020 in observance of Veteran’s Day. Garbage and trash routes will run as scheduled with no delay. Ms. Whitbey announced the Amboy Food Bank is hosting fund raiser on Facebook to purchase turkeys for families in need.

There being no further business to come before the Council, and on the motion of Council Member Ross and seconded by Council Member Ginn, and by consent of all members present, the meeting was adjourned at 6:54 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, November 23, 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