

November 23, 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 5:30 p.m. and asked Finance Director, Ember Strange, to provide an executive summary of the proposed budget.

Mrs. Strange revised the General Fund Summary which included updates to revenues and expenditures. Mrs. Strange stated in order to offset increases, she increased the carry forward. Mayor Smith asked if there were any questions regarding the changes to the budget. Council Member White supported funding for the fire station. Council Member Robinson asked if the City was increasing funds to Central Arkansas Transit (Rock Region Metro). Mrs. Strange advised Rock Region Metro reduced their proposed budget by \$2.5 million. This reduced the city's amount \$75,000.00. Council Member Baxter is a member of the Non-Uniform Employee Pension Board. He referenced the 15 year amortization schedule and recommended amending the proposed 2021 budget. Mayor Smith said Auditors found the city is behind 4% in its contribution to the plan which has increased considerably. Mrs. Strange said the current budget includes a total of 11.35%. Mayor Smith said the schedule would be moving it up half a point each year, for the next eight years and that the future Council would have to make decisions. Council Member Baxter proposed amending the amount from 11.35% to 11.85%. Mrs. Strange estimated the additional amount at a cost of \$75,000.00. Mayor Smith asked if anyone was opposed. There was none. Council Member Hight asked if repairs to Dickey Stephens Ball Park had been completed. Mayor Smith said the repairs were completed. The City asked FEMA for money to mitigate the issue, but the request was turned down. The city will continue to pursue funds (which is close to \$4 million. Mayor Smith asked anyone with changes to the budget to call him before the next meeting, otherwise the next revision would be what is proposed to the City Council to receive a vote on December 14<sup>th</sup>. Mayor Smith adjourned the Budget Hearing at 5:41 p.m.

The regular meeting of the North Little Rock City Council scheduled for Monday, November 23, 2020, 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, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, JANE GINN and CHARLIE HIGHT (7/0). City Clerk/Treasurer Diane Whitbey, and City Attorney Amy Fields were also present.

Council Members MAURICE TAYLOR entered the meeting electronically at 6:03 pm

*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 Baxter.

On the motion of Council Member Ginn 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, November 9, 2020, were approved, accepted and filed as prepared by the City Clerk (7/0).

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

1. C. Tad Bohannon, CEO Central Arkansas Water memorandum to Mayor Joe A. Smith and Little Rock Mayor Frank Scott, Jr. re: CAW enters Green Bond Market and issues debt without impacting rates.
2. Anita Paul, Mayor's Office, memorandum re: *New- Combination of Restaurant Beer & Wine* for Corky's BBQ, 2947 Lakewood Village Dr, by Tommy Hillburn.
3. Ember Strange, Finance Director, October 2020 Fund Financials.

Mayor Smith announced a Special Call meeting.

November 20, 2020

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, November 23, 2020, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

**R-20-168 - Authorizing the Mayor and City Clerk to Enter into a Contract for Additional Work for the 15 Remount Road Right-of-Way Drainage Improvements Project; Authorizing Payment to JCON, Inc. Sponsor: Council Member Hight**

**O-20-109 – Authorizing the Mayor to execute Release to Terminate Easements and Escrow Agreement; vacating and abandoning certain sewer easements on property located at Highway 70 and Barton Road in the City of North Little Rock upon the completion of relocation of the sewer facilities; declaring an emergency. Sponsor: Mayor Joe A. Smith**

**O-20-110 - Vacating and abandoning certain unused easements on property located at 410 West A Avenue in the City of North Little Rock; declaring an emergency. Sponsor: Council Member Ross**

Pursuant to North Little Rock Ordinance No. 9079, 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.

Amy Beckman Fields  
City Attorney

**SPECIAL CALL**

R-20-168 (RESOLUTION NO. 9948 – COUNCIL MEMBER HIGHT)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT FOR ADDITIONAL WORK FOR THE 15 REMOUNT ROAD RIGHT-OF-WAY DRAINAGE IMPROVEMENTS PROJECT; AUTHORIZING PAYMENT TO JCON, INC; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-20-109 (ORDINANCE NO. 9303 – MAYOR SMITH)

AN ORDINANCE AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE RELEASE TO TERMINATE EASEMENTS AND ESCROW AGREEMENT; VACATING AND ABANDONING CERTAIN SEWER EASEMENTS ON PROPERTY LOCATED AT HIGHWAY 70 AND BARTON ROAD IN THE CITY OF NORTH LITTLE ROCK UPON THE COMPLETION OF RELOCATION OF THE SEWER FACILITEIS; DECLARING AN EMERGENCY; 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 readings were suspended (8/0). On the motion of Council Member Ross and seconded by Council Member 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).

O-20-110 (ORDINANCE NO. 9304 – COUNCIL MEMBER ROSS)

AN ORDINANCE VACATING AND ABANDONING CERTAIN UNUSED EASEMENTS ON PROPERTY LOCATED 410 WEST A AVENUE IN THE CITY OF NORHT 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). On the motion of Council Member Ross 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).

## **PRESENTATIONS**

Mayor Smith asked Finance Director Ember Strange to come forward and provide the monthly Financial Update/Report.

## **UNFINISHED BUSINESS**

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 called and withdrawn by the sponsor Mayor Smith, who advised the property had been sold. (*owner: Billy B. Whitley*)

O-20-99 (ORDINANCE NO. 9305 – MAYOR SMITH)

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

November, 9, 2020, was read a second time this date. On the motion of Council Member Ginn and seconded by Council Member Ross, rules were suspended and the ordinance was placed on its third and final reading (8/0). On the motion of Council Member Ross and seconded by Council Member White, and by consent of all members present, the ordinance was amended as follows: *Section 1.3.2, add OR HIS DESIGNEE, Section 2.3.3, remove ~~or store or keep a household appliance in an open, accessible area (i.e. porch, patio, etc.), or keeps household appliances in open, accessible areas~~* (8/0). Council Member Baxter said it is easy for the citizens to remember the current six foot or twelve foot length rule. If a limb is bigger than twelve inches it cannot be six feet long. If the limb is six inches or less, it can be twelve feet long. The new wording could make it harder for residents to remember. Mayor Smith said it will be a work in progress. Chief of Staff, Danny Bradley, said the change was requested from the sanitation department director. Limbs twelve feet in length have caused damage to equipment. The city will need to educate residents on what is allowed at the curb for pickup. Council Member Ross said people who purchase the green (Waste Management) bags from stores may not realize the bag is the Waste Management and they (the resident) must pay a fee to Waste Management to get them picked up. On the motion of Council Member Taylor 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 as amended (8/0). Emergency clause unanimously adopted (8/0).

O-20-103 (ORDINANCE NO. 9306 – COUNCIL MEMBER HIGHT)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR WASH IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5315 MCCAIN BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time November, 9, 2020, was read a second time this date. On the motion of Council Member Hight and seconded by Council Member Ross, and by consent of all members present, the remaining reading was suspended (8/0). A motion to adopt was made by Council Member Hight and seconded by Council Member Baxter. Mr. Demond Hervey spoke against the Conditional Use and said he extended his research after the previous City Council meeting in which he spoke. He said he spoke to the interim North Little Rock Police Chief, Tracy Roulston and a sergeant from the traffic division regarding crossing a double yellow line. He said he is concerned about the traffic flow and possible traffic accidents at this location. Council Member Taylor stated that if the location was the issue then it would not matter what type of business went into the property as they would all have the same issue with crossing the line. City Engineer Chris Wilbourn said it is legal in Arkansas to cross a double yellow line with two lanes. 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). (*McBee's Coffee' N Carwash, LLC*)

#### **CONSENT AGENDA**

On the motion of Council Member Baxter, and seconded by Council Member Ross, and all members present having voted “aye”, consent items, R-20-161, R-20-162, R-20-163, R-20-164, R-20-165, and R-20-166 were unanimously adopted (8/0).

R-20-161 (RESOLUTION NO. 9949 – 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).

R-20-162 (RESOLUTION NO. 9950 – MAYOR SMITH)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK TO PARTNER WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION (ARDOT) FOR THE INTERSTATE 30 AND INTERSTATE 40 WIDENING AND RECONSTRUCTION PROJECT; AND FOR OTHER PURPOSES, was adopted (8/0).

R-20-163 (RESOLUTION NO. 9951 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN OFFER AND ACCEPTANCE TO SELL CERTAIN REAL PROPERTY LOCATED ON RIVERFRONT DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO ROCKWATER OPPORTUNITY ZONE, LLC; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$270,000.00*)

R-20-164 (RESOLUTION NO. 9952 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH PULASKI COUNTY, ARKANSAS CONCERNING THE OPERATION OF THE PULASKI COUNTY REGIONAL DETENTION FACILITY; AND FOR OTHER PURPOSES, was adopted (8/0).

R-20-165 (RESOLUTION NO. 9953 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDMENT TO OPTION AGREEMENT WITH FIRST ORION CORP.; AND FOR OTHER PURPOSES, was adopted (8/0).

R-20-166 (RESOLUTION NO. 9954 – MAYOR SMITH)

A RESOLUTION APPROPRIATING FUNDS FOR A TRUCK PARKING PAD AT THE KOPPERS INC. PLANT IN THE AMOUNT OF \$80,000.00; AND FOR OTHER PURPOSES, was adopted (8/0).

### **NEW BUSINESS**

R-20-167 (RESOLUTION NO. 9955 – 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 Baxter. 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-20-105 (ORDINANCE NO. 9307 – MAYOR SMITH)

AN ORDINANCE APPROVING SALARY INCREASES FOR THE CITY CLERK-TREASURER AND THE CITY ATTORNEY OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (8/0). Mayor Smith said he spent eight years trying to get employees in the market on what the City paid them, however he did not look at the City Clerk and City Attorney during that period. The positions were behind based on other cities of likewise size. On the motion of Council Member Ross 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). Emergency clause unanimously adopted (8/0).

O-20-106 (ORDINANCE NO. 9308 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 4300 E. BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R3 TO C3 ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded

by Council Member Ross, and by consent of all members present, the readings were suspended (8/0). Council Member Robinson received several emails and phone calls regarding the legislation. One was if the legislation would destabilize the neighborhood. Planning Director Shawn Spencer said it is an arbitrary question and depends on who answers it. The location is an empty lot zoned which is used by Hum's Hardware for storage of rental equipment. Council Member Robinson said twenty to forty feet was being rezoned otherwise a gas station could go in regardless of composition. She then asked if a convenience store could go in near a playground and advised there is a playground three to four hundred feet away from the property. Council Member Robinson also said if the business (owner) wants to sell alcohol in the future, it will have to apply through the State Alcohol Beverage Control Board. On the motion of Council Member Taylor 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). (*applicant: Richardson Engineering, PLLC*)

O-20-107 (ORDINANCE NO. 9309 – COUNCIL MEMBER BAXTER)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW OUTDOOR SALES, DISPLAY, FOOD TRUCKS AND ENTERTAINMENT IN AN I2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 7420 COUNTS MASSIE ROAD 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). A motion to adopt was made by Council Member Baxter and seconded by Council Member Taylor. Council Member Ross asked what type of entertainment the business would have. Mr. Spencer said he was advised it would be someone walking around playing a guitar and that tickets would not be sold. Council Member Ross expressed that the word entertainment could open a broader list of services to be added. The applicant, Mr. Bill Cicchetti, advised by telephone a man comes out to play a banjo within the mall for customers. A radio station may also show up and do a live broadcast. He said there would be no other entertainment. Mayor Smith asked if there was a way to tighten the wording so that a live band wouldn't be able to show up. Mr. Spencer said the restrictions would only be the hours of operation and that no cover charge was required. Mayor Smith asked if that information was in the legislation. Council Member Hight asked if wording could be added to say no amplified music. Council Member Baxter said other venues like car dealerships play music outside. Mayor Smith said if there is a radio remote present it would use amplification. Council Member Baxter said the noise ordinance would also come into play for anything too loud. Council Member Taylor stated the request was for a special use. Ms. Fields said the City Council could amend the legislation to include restrictions. Council

Member Robinson said she wouldn't want to restrict this business to guitar music or DJ's only. Mayor Smith asked both applicants if they would be okay with the change. Mr. Cicchetti said yes. Council Member White reminded the owners to make sure they had a current North Little Rock business license and that it gets taken care of. Ms. Whitbey said the different types of services being operated would be require separate and additional codes and fees to the current North Little Rock business license. Mayor Smith reiterated this information to the applicants in call. Council Member Robinson asked for Council Member Baxter's opinion since he is the sponsor of the legislation. Council Member Baxter understood the feedback he's received regarding the entertainment aspect, but does not want to restrict them. Council Member Ross had concerns over the wording entertainment. Council Member Hight said the neighbors are industrial, not residential. He does not have a problem leaving it how it stands. Council Member Harris agreed. Ms. Fields clarified the wording of the amendment from Council Member Taylor to say the following: *add Entertainment limited to guitar and radio remotes*. The motion to amend died for lack of a second. Council Member Robinson said entertainment was fine as long as it was not adult entertainment. Council Member Ross said her concern was the details and whether or not there would be concerts or other activities under the wording. Mayor Smith stated that the legislation says they cannot do a cover charge for the entertainment. 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). Ms. Whitbey said the special use would add 30 outdoor (booth) spaces which will need to be added to the current Business License. (*applicant: Dale Cicchetti and Tammie Muse*)

O-20-108 (ORDINANCE NO. 9310 – COUNCIL MEMBERS ROBINSON AND TAYLOR)  
AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A PARKING LOT IN A C6  
ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 825 MAPLE STREET IN THE CITY OF  
NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER  
PURPOSES, was read. On the motion of Council Member Taylor 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 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: Crafton Tull*)

### **PUBLIC COMMENT**

Mayor Smith reminded everyone of the upcoming run-off election, Tuesday, December 1, 2020. Early voting will be November 24<sup>th</sup>, 25<sup>th</sup>, and 30<sup>th</sup>. Mayor Smith wished everyone a happy Thanksgiving and to be safe. COVID-19 restrictions regarding social distancing and safety protocol for the holiday should be considered. Council Member Robinson stated that herself and Council Member Taylor represent Ward 2 and face many challenges in neighborhoods. She had an opportunity to ride around with the Code Enforcement Department due to complaints from residents on Facebook concerning Rose City. Code Enforcement is aware of the issues and they have to work through the process. Some owners may live out of state or out of the city. She commended the Mayor on reaching out to the



Council members whenever the Mayor's Office receives a call about an issue in a ward. She said there is misinformation being circulated. Council members should work together and assist each other. They do not take lead in other wards as other individuals have been voted in to represent those areas, however they will work together as council members on the issues.

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 6:52 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, December 14, 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