

December 28, 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, December 28, 2020, was called to order at 6:07 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, JANE GINN and CHARLIE HIGHT (7/0). Council Member RON HARRIS 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. Mayor Smith, City Clerk Whitbey, City Attorney Fields, and Council Member Ginn were present in the council chambers.

The prayer was led by Council Member Ginn.

On the motion of Council Member Ginn and seconded by Council Member Hight, and by consent of all members present, the minutes from the North Little Rock City Council meeting and Special Call meeting scheduled for Monday, December 14, 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, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 were accepted and filed (7/0).

1. Anita Paul, Mayor's Office memorandum re: *Replacement/New Owner* for Neighborhood Wine & Spirits, 4526 Camp Robinson Road, by Herman Singh.
2. Mary Wagley via fax – Petition with 16 signatures from residents of Meadow Park, opposing Metro Scrap Metals, Inc. being granted a Special Use, and letter to City Council from Mary and Bill Wagley regarding the same. Note: this item will be refiled and appear on the January 11, 2021, Council Agenda as a communication.)
3. Ember Strange, Finance Director/Chair Energy Risk Management Committee memorandum re: Power Cost Adjustment (PCA) rate for January, 2021 (.0018/kwh) negative.
4. Glenda Ross email re: opposition to O-20-119, to allow office and classroom space in a R-4 zone at 608 North Vine Street and other items including documents/photos provided previously to City Planning Department.
5. Ember Strange, Finance Director memorandum to Mayor Joe A. Smith and City Clerk/Treasurer Diane Whitbey re: November 2020 Financial Statements.

6. Anita Paul, Mayor's Office memorandum re: *Grocery Store wine, retail beer off premises, small farm winery – retail permit – new application* for Dollar General #4156, 4613 John F. Kennedy Boulevard, by Steven Deckard.
7. Anita Paul, Mayor's Office memorandum re: *Retail beer off premises permit – new* for Dollar General #13767, 4523 Camp Robinson Road, by Steven Deckard.
8. Anita Paul, Mayor's Office memorandum re: *Grocery Store wine, retail beer off premises, small farm winery – retail permit – new application* for Dollar General #21402, 6700 MacArthur Drive, by Steven Deckard.
9. Anita Paul, Mayor's Office memorandum re: *Grocery Store wine, retail beer off premises, small farm winery – retail permit – new application* for Dollar General #12953, 1700 Pike Avenue, by Steven Deckard.
10. Anita Paul, Mayor's Office memorandum re: *Retail beer off premises permit – new* for Dollar General #13202, 11406 Highway 165, by Steven Deckard.
11. Anita Paul, Mayor's Office memorandum re: *Grocery Store wine, retail beer off premises, small farm winery – retail permit – new application* for Dollar General #10694, 4129 E. Broadway Street, by Steven Deckard.
12. Patrick Stair (via email) comments re: O-20-118 public hearing.
13. Ashley Walla – Petition requesting Speed Hump on Virginia Drive (*20 signatures – for*).
14. Multiple emails (consolidated into one communication re: R-20-183 reappointing Norman Clifton to the Planning Commission) *52 for, 15 against, 2 no position*.
15. Retha Ross, Petition requesting Speed Hump on Toltec Drive (*18 signatures -- for*).

Council Member Hight asked about communications #6 thru #11. He said allowing the sale of beer or wine could prevent employees working there under the age of 21. He also said the Alcohol Beverage Control (ABC) Board regulates the number of establishments (and conditions) that can sell alcohol. City Attorney Fields said there is a *Comments For Public Officials* form that council members can complete and return to ABC. North Little Rock Interim Police Chief Tracy Roulston advised the requests have been approved by the police department.

PRESENTATIONS

None.

UNFINISHED BUSINESS

None.

CONSENT AGENDA

On the motion of Council Member Ginn and seconded by Council Member Ross, and all members present having voted “aye”, consent items R-20-184, R-20-185, R-20-186, R-20-187, R-20-188, R-20-189, and R-20-190 were adopted (7/0). R-20-183 was pulled and called under new business.

R-20-184 (RESOLUTION NO. 9970 – MAYOR SMITH)

A RESOLUTION REAPPOINTING DEBRA ROBERTS TO THE NORTH LITTLE ROCK HISTORIC DISTRICT COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-20-185 (RESOLUTION NO. 9971 – MAYOR SMITH)

A RESOLUTION REAPPOINTING MARK RUBLE TO THE LAKEWOOD RECREATIONAL AREA IMPROVEMENT DISTRICT NO. 4 BOARD OF ASSESSMENT; AND FOR OTHER PURPOSES, was adopted (7/0).

R-20-186 (RESOLUTION NO. 9972 – MAYOR SMITH)

A RESOLUTION REPEALING RESOLUTION NO. 9969 WHICH APPOINTED TODD ADAMS TO THE NORTH LITTLE ROCK AIRPORT COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-20-187 (RESOLUTION NO. 9973 – MAYOR SMITH)

A RESOLUTION APPOINTING TODD ADAMS TO THE POSITION PREVIOUSLY HELD BY JIM JULIAN ON THE NORTH LITTLE ROCK AIRPORT COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-20-188 (RESOLUTION NO. 9974 – MAYOR SMITH)

A RESOLUTION DISSOLVING THE NORTH CEDAR STREET MUNICIPAL IMPROVEMENT DISTRICT NO. 32 IN THE CITY OF NORTH LITTLE ROCK; ARKANSAS; AND FOR OTHER PURPOSES, was adopted (7/0).

R-20-189 (RESOLUTION NO. 9975 – MAYOR SMITH)

A RESOLUTION MAKING MINOR AMENDMENTS TO THE FY2020 ANNUAL ACTION PLAN OF THE CITY OF NORTH LITTLE ROCK IN REGARDS TO THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM AND HOME INVESTMENT PARTNERSHIPS (HOME) PROGRAM; AND FOR OTHER PURPOSES, was adopted (7/0).

R-20-190 (RESOLUTION NO. 9976 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PROGRAM MANAGEMENT AND LEASE AGREEMENT WITH SHORTER COLLEGE; AND FOR OTHER PURPOSES, was adopted (7/0).

NEW BUSINESS

R-20-183 (RESOLUTION NO. 9977 – MAYOR SMITH)

A RESOLUTION REAPPOINTING NORMAN CLIFTON TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was read. Mayor Smith advised there were a number of people who had called in to speak on this item and called them in the order they

were signed in. Reverend Eric Jones supports the reappointment of Mr. Clifton to the Planning Commission. He has known him for some time. Mr. Clifton is a leader of character in our community and a family man. Ms. Brenda Leger spoke against the reappointment of Mr. Clifton. She referenced recent actions including his public reference to the location of a traffic light for a proposed gas station on North Hills Boulevard. He and his wife also appeared on a billboard and made campaign contributions to a recent candidate for local office. Mr. Clifton has ignored pleas to be environmentally sound in development. Ms. Leger said the appointment of a white male in a leadership role does not reflect the racial geographical makeup of the community. Mr. Thomas Lites is opposed to the reappointment and agreed with the comments of the previous speaker. He said the number of properties owned by Mr. Clifton could be a conflict of interest. Mr. Kevin Nelson and Mrs. Tiffanie Nelson were also opposed to the reappointment. Due to audio difficulties their comments were inaudible. Mr. Mark Abernathy said he does not know Mr. Clifton. He thanked him for his many years of service on the Planning Commission. A proposed development of a (6 bay gas station) was presented to the Planning Commission (by Mr. Clifton) which resulted in thousands of residents opposing it. The location was at the base of a dam in a residential neighborhood and could have resulted in significant amounts of hazardous waste seeping into ground water. This proposed development was in violation of the first five sections of the land use plan used by the Planning Commission. Residents are concerned that if reappointed, similar actions will take place. Mr. Abernathy said it is time for a change. Council Member Ginn said Mr. Clifton recused from the Planning Commission meeting where the gas station was considered. He did speak as the applicant. Mr. Clifton is not a city employee and does not receive a salary or any benefits. The city is fortunate to have someone of his caliber in the position. Council Member Taylor said the chairman of the Planning Commission is voted on by the other commission members. Council Member Ross said Mr. Clifton has served 32 years on the Planning Commission in a volunteer capacity. She advised that as a representative of Ward 1, she has received an overwhelming number of telephone calls and emails for residents who are ready for a change. As such, she will vote against the reappointment. Council Member White agreed with Council Member Ross's comments and will also vote against the reappointment. She has had a lot of communication with constituents who are opposed to the reappointment. Mayor Smith acknowledged the receipt of multiple email comments (for and against the reappointment) which were shared with the council members prior to the meeting. He thanked everyone for taking the time to send in their comments. On the motion of Council Member Ginn and seconded by Council Member Taylor, and by consent of all members present, with the exception of Council Members Ross and White, who voted no, the resolution was adopted (5/2).

R-20-191 (RESOLUTION NO. 9978 – MAYOR SMITH)

A RESOLUTION AMENDING THE 2020 BUDGET FOR THE CITY OF NORTH LITTLE ROCK TO INCLUDE ADDITIONAL EXPENSES IN CERTAIN DEPARTMENTAL BUDGETS; 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 resolution was adopted (7/0).

O-20-113

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 3000 NORTH HILLS BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R4 ZONING CLASSIFICATION TO PLANNED UNIT DEVELOPMENT (PUD) ZONING CLASSIFICATION AND GREENBELT ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Smith advised several people had called with comments regarding this item. Mr. Thomas Lites was opposed to the request. A storage unit is not the right fit for the neighborhood. The developers have indicated if they do not get the storage units, they will build more apartments (which is allowed under the current zoning). On the motion of Council Member Hight and seconded by Council Member Ginn, and by consent of all members present, the readings were suspended (7/0). Council Member White commended area residents and neighborhood groups for their input with regard to this development. She read a comment she was provided which requested discretion with regard to business development and referenced this area as an entry point to the city. Council Member Baxter commended the residents and developers for working together. On the motion of Council Member Taylor and seconded by Council Member Ginn, and the following members having voted yes: Taylor, Robinson, Baxter and Hight; and the following members having voted no: White and Ginn, and the following member having passed: Ross, the motion to adopt failed (4/2/1). After discussion of the length of time the applicant would have to wait to reapply (1 year or 12 months), a motion to expunge the previous vote was made by Council Member Taylor and seconded by Council Member Ginn, and all members present having voted in the affirmative, the motion passed. The item will fall off the agenda as this is the last meeting of the year and can be refiled in January, 2021.

O-20-114 (ORDINANCE NO. 9313 – MAYOR SMITH)

AN ORDINANCE AMENDING SECTIONS 1.2.8 AND 3.1.1 OF THE NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 4, BUILDING REGULATIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ginn and seconded by Council Member Baxter, and by consent of all members present, the readings were suspended (7/0). Mayor Smith said the purpose of this legislation is to clean up inequities in fees, etc. A motion to adopt was made by Council Member Taylor and seconded by Council Member Hight. Council Member Ross referenced a change regarding electrical work in new construction and asked how the city would notify electricians of the change. Planning Director Shawn Spencer said the change will match the National (Electrical) Code. Information about the change will be posted on various sites through the group trade. Council Member Ross asked if something could be provided to electricians who work on new construction in the city. Mr. Spencer said a handout could be provided when someone applies for a permit. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-20-115 (ORDINANCE NO. 9314 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE ACCEPTING THE DEDICATION OF PUBLIC STREET AND DRAINAGE FACILITIES CONSTRUCTED WITH THE DEVELOPMENT OF PHASE 10 OF FAULKNER CROSSING IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; 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 readings were suspended (7/0). On the motion of Council Member Robinson and seconded by Council Member Taylor, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*requested by: Brad Peterson – Crafton Tull*)

O-20-116 (ORDINANCE NO. 9315 – COUNCIL MEMBER BAXTER)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A DAYCARE IN A C4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 10331 MAUMELLE BOULEVARD 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 Taylor, and by consent of all members present, the readings were suspended (7/0). On the motion of Council Member Baxter and seconded by Council Member Taylor, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Essential Genesis Learning Academy*)

O-20-117 (ORDINANCE NO. 9316 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE REZONING PROPERTY LOCATED AT 3002 EAST 2ND STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; FROM R4 TO C4 ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; GRANTING A CONDITIONAL USE TO ALLOW FOR THE EXPANSION OF OUTDOOR STORAGE FOR A CONTRACTOR'S OFFICE; 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 (7/0). 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 adopted (7/0). Emergency clause adopted (8/0). (*applicant: Cecil Properties, LLC*)

O-20-118 (ORDINANCE NO. 9317 – MAYOR SMITH)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A TEMPORARY DRY CEMENT SILO IN AN I1 ZONE FOR PROPERTY LOCATED AT 1205 ORANGE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 (7/0). Mayor Smith convened a public hearing. Ms. Whitbey read an email from Mr. Patrick Stair regarding O-20-118. Mr. Stair referenced the proximity of the silo to residential addresses, the length of time of the

temporary item can remain, and the hazards of dry cement. He cited several articles regarding health hazards. There being no one else wishing to be heard, the public hearing was adjourned. A motion to adopt was made by Council Member Ginn and seconded by Council Member Taylor. Council Member Ross received several calls regarding this item. Street Department Director Patrick Lane said the city owns the (3) lots referenced. Mr. Lane said the current process requires purchasing dry cement in 1 ton bags. The truck has to be dry in order to refill it with the contents of a bag. He cannot control the amount released from the bag once opened. With a silo, 30 tons would be delivered at a time and controlled release of the amount needed would be possible. This would also reduce the amount of dust released from the silo compared to opening a bag. Council Member Baxter agreed this would reduce the air particulates. Council Member Ross said the silo is portable and could be moved. Mr. Lane said it could be pulled behind a 1 ton truck and relocated. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-20-119 (ORDINANCE NO. 9318 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW FOR OFFICE AND CLASSROOM SPACE IN AN R4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 608 NORTH VINE 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 Baxter, and by consent of all members present, the reading were suspended (7/0). Council Member Taylor said he would like to amend the ordinance from classroom space to an office only for Security Staff. On the motion of Council Member Taylor and seconded by Council Member Ginn, and by consent of all members present, the ordinance was amended as follows: *strike through all references to ~~and classroom~~ (found in the title, 2nd whereas, Section 1.; and Exhibit "A" (7/0)*. Mayor Smith convened a public hearing. Mr. Jerome Green, President of Shorter College said they purchased a condemned property across the street from the campus. The house would be used for the security office and staff. This would also ensure quiet activity in the (residential) community. Ms. Cherise Granderson said they appreciate the change of the requested use. The parking lot referenced in the legislation is not necessary and was not part of the plans that were discussed. Mr. Spencer said the parking lot has been included in illustrations of the proposal. The Planning Department would not approve an office with classrooms without parking on the property. There is room in the rear for seven parking spots. Council Member Taylor said the college has enough parking across the street to accommodate this location. Mr. John Payne has worked on the project. The original plan was for conference space and classrooms. However, due to COVID the property would be used to permanently house security staff who would monitor the campus and neighborhood. Exterior work was designed to be ADA (Americans with Disabilities Act) compliant with accessibility and parking. Ms. Glenda Ross thanked Council Member Taylor for amending the legislation. This will be an asset to the community. Her home is across the street from the proposed parking lot. Ms. Ross suggested making the handicapped access from the carport area. Mr. Floyd Rippond agreed with the property being used as a security building and removing the

parking area in the back. He measured the property and said it is not large enough for seven full sized vehicles. Mr. Michael Cooley commended Shorter College for the improvements they have made at the facility. He also agreed with the location of the guard house. His concern is the potential of the parking lot becoming a nuisance in the neighborhood. Ms. Marsha Alvery spoke for her grandmother Connie Young. They support the guard station. This is a family neighborhood and quiet. A classroom would benefit the college, but not the neighborhood. Residents are mostly elderly. There being no one else wishing to be heard, the public hearing was adjourned. Council Member Hight asked Mr. Spencer why the request was denied by the Planning Commission. Mr. Spencer said the initial request was for a Conditional Use and rezone of the property which the neighbors opposed. As a Special Use, the zoning will remain at R4. The property could be sold in the future as a residence. With regard to the handicapped access, the building would have to be accessible. The carport area would not work well as a ramp would have to be extremely long in length. Council Member Ross asked Mr. Payne how many vehicles would be at the location at one time. Mr. Payne said there would be less than the seven requested. They plan to enclose the carport for an ADA compliant restroom and space. The ramp would be towards the back. On the motion of Council Member Taylor and seconded by Council Member Ginn, and by consent of all members present, the ordinance was again amended as follows: *strike through Section 2: 1. and replace with* PROVIDE ONE (1) HANDICAPPED PARKING SPOT IN THE REAR OF THE PROPERTY (7/0). On the motion of Council Member Taylor and seconded by Council Member Robinson, and the roll having been called, and all members present, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0). (*applicant: Shorter College, Inc.*)

PUBLIC COMMENT

Council Member White thanked Mayor Smith and the council members individually for their service. Council Member Baxter asked if people calling in could state their address when speaking. City Attorney Fields will check on this. Council Members commended Mayor Smith and Council Member White for their service and dedication to the city and its residents.

There being no further business to come before the Council, and on the motion of Council Member Ginn and seconded by Council Member Hight, and by consent of all members present, the meeting was adjourned at 7:55 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, January 11, 2021, 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