

June 12, 2017
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, June 12, 2017, was called to order at 6:03 p.m. by the Honorable Mayor Joe A. Smith.

The roll having been called and the following Aldermen answered to their names: DEBI ROSS, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, CHARLIE HIGHT and MURRY WITCHER (7/0). Alderwoman BETH WHITE was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The prayer and pledge of allegiance were led by Alderwoman Ross.

On the motion of Alderman Witcher and seconded by Alderman Hight and by consent of all members present, the minutes from the North Little Rock City Council meeting Monday, May 22 2017, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, communications 1, 5, 6, 7, and 8 were accepted and filed (7/0).

1. Karen Scott, Finance Director/Chairman Energy Risk Management Committee memorandum re: Energy Cost Recovery Rider adjustment June, 2017 (.0059 [positive]).
5. City Attorney C. Jason Carter, memorandum to City Council re: Ballot and polling places for Sales Tax Election (August 8, 2017).
6. City Attorney C. Jason Carter, memorandum to City Council re: risk Management Committee Quarterly Report (Q1, FY17).
7. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises & Small Farm Wine – Change of Manager from Naeomi York*, for Wal-Mart Supercenter #4460, 12001 Maumelle Boulevard, by Nicholas T. Tumblin.
8. Cabot Mayor, Bill Cypert email to Mayor Joe A. Smith re: old warning sirens and request transfer of three to City of Cabot.

On the motion of Alderman Baxter and seconded by Alderman Taylor, and by consent of all members present, communication #2 was read, accepted and filed (7/0).

2. Parks and Recreation email re: Notice of Public Hearing to obtain public input concerning Parks and Recreation needs – Monday, June 19, 2017, 5:20 p.m. at North Little Rock Community Center, 2700 Willow Street.

On the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, communication #3 was read, accepted and filed (7/0).

3. Alderwoman Linda Robinson – letter from Evelyn Creal, President, Meadow Park Neighborhood Association and Petitions Requesting Limited Hours of Operation for Scrap Metal Business located on Highway 70 (140 signatures).

On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, communication #4 was read, accepted and filed (7/0).

4. Faye Buckelew, letter to Alderwoman Linda Robinson re: Actions of Metro Scrap Metals, Inc., 6915 Highway 70 and concerns pertaining to noise.

On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the mayor presented the communication by title only, and it was accepted and filed (7/0).

9. Julie Fisher, Mayor's Office re: copy of check from Friendly Chapel Flame, Inc. to City of North Little Rock for "Gift – Appreciation for NLR" in the amount of \$2,000.00.

Mayor Smith said Brother Paul (Holderfield, Jr.) from the Friendly Chapel brought a check for the city to show appreciation. Mayor Smith asked the council to approve the city accepting the funds and earmarking them for the Police Athletic League (PAL) Program. Police Chief Mike Davis then received the check.

Mayor Smith announced citizen comment agenda items. Mr. James Ard spoke against O-17-49. The location is not a good place for a car lot. Mr. Lee Jeffrey represents the Dixie Addition neighborhood. He spoke regarding R-17-101 and said he would like to see funds CDBG (Community Development Block Grant) funds used for completion of streets and sewer lines. He also asked for funds to be invested in homes. Ms. Artis Boykin referenced R-17-101 and asked if (CDBG) funds would be used to build one house or houses and where they would be built. Mayor Smith said it's not a lot of money. Ms. Boykins said there are a lot of older homes with older residents living in them. She said residents could benefit more if the funds were used for improvements on existing homes. Mayor Smith said the Federal Government restricts the use of these funds. In some cases, improvements require bringing the entire structure up to code which could exceed allowed funds. Ms. Boykin suggested the city apply for a grant for home improvements. Ms. Shirley Simpson spoke regarding R-17-101. She would like to see the funds used to repair homes throughout the city. If building a house is the final decision, she said there are a lot of vacant lots in the Rose City and suggested building a home there. Mr. Bill Plunkett, CEO Habitat For Humanity, said they have repaired 200 homes in North Little Rock. This is an ongoing project. When they build new homes, the location is determined by where the family wants to live and their budget (which cannot be more than 25 percent of their income). Restrictions on construction prevent homes from being built in a flood plain or an area with pollution. Three homes have been built on the east end of town. One was across from Tie Plant. It was later determined there is pollution in the area. Another location was in the flood plain. Alderman Taylor asked if these were

rules for Habitat For Humanity. Mr. Plunkett said these are Federal rules and referenced the difference between an interest free loan and a traditional loan. Mayor Smith concluded public comments.

UNFINISHED BUSINESS

O-17-42

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 6801 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3 TO I-3 CLASSIFICATION 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 a second time. A motion to suspend the rules and place the ordinance on its third and final reading was made by Alderman Hight and seconded by Alderwoman Ross. Alderwoman Robinson said she is concerned about this legislation. The location is approximately 70 feet from neighbors. She referenced a report provided to her by the North Little Rock Police Department indicating work at the site in the early morning hours. Neighbors are not opposed to the business, however, they have submitted petitions containing 140 signatures that reference the hours of operation. I-3 is an Intense Zoning use. When someone requests an Industrial Use in (or near) a residential neighborhood, consideration is needed. Alderman Hight said the business has operated at the location 30 years. He asked if complaints had been received (regarding noise) prior to this application. Alderwoman Robinson has received complaints over the years. Alderman Hight said at the previous council meeting, the owners said the business has not been operated at night since 2015. Alderman Taylor referenced the log provided by off-duty police officers working on the property. Mayor Smith said the residents heard something, however, it was unclear of the source of the noise. Alderwoman Robinson referred to another business, Tennenbaum on Bethany Road and advised there has not been an issue. Alderman Taylor mentioned consideration of a Special Use regarding hours of operation. Alderwoman Ross asked if conditions could be added. Mr. Carter said zoning provides certain rights. Those rights cannot be taken away. Conditional or Special Uses can add conditions but not take away. Scrape metal recycling is an allowed use in an I-3 zone. Mr. Carter provided verbal examples. The existing parcels are zoned I-3. Alderman Harris said this business owner has been operating and is trying to expand which would provide more room and reduce the need for working extended hours. Alderman Witcher said the council cannot rescind the current I-3 zoning. Alderman Taylor referenced a previous conditional use (car lot) where the applicant is not complying with the allowed use (and conditions). Alderwoman Ross asked the owner if he can work with the neighbors. Mr. Mike Ronnell said large shipments will come in from time to time. When this happens, employees will arrive early to get equipment ready (grease and fuel cranes, etc.) for use by 6:00 a.m. An average work-shift is usually 10 hours. Mr. Ronnell said they have not had to work past midnight since 2015. In 2014, they did have to work through the night for approximately 45 days. Alderwoman Ross asked Mr. Ronnell to provide a contact number to Aldermen Robinson and Taylor in the event they receive calls in the future. Mayor Smith will be attending a neighborhood meeting in the area this week and would like the opportunity to speak to residents. On the previous motion, and by consent of all members present,

the rules were suspended and the ordinance was placed on its third and final reading (7/0). The ordinance will be read a third and final time at the next meeting. Alderman Witcher asked if the property owner has closed on the property. Mr. Ronnell said reclassification is a condition of the sale. Mayor Smith then held the legislation.

CONSENT AGENDA

None filed.

NEW BUSINESS

R-17-99 (RESOLUTION NO. 9222 – MAYOR SMITH)

A RESOLUTION ACCEPTING A FEMA GRANT FOR \$600,000.00 UNDER THE FY 2016 ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM FOR THE PURCHASE OF THERMAL IMAGING CAMERAS AND PROTECTIVE EQUIPMENT FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; APPROPRIATING THE CITY’S LOCAL SHARE FROM ACT 833 FUNDS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Harris, and by consent of all members present, the resolution was adopted (7/0). Captain Billy Jones, North Little Rock Fire Department said this grant will allow the department to replace air packs used by firefighters, buy additional masks and 16 thermal imaging cameras. Alderwoman Ross praised Captain Jones for his efforts. The city’s share was 10% or \$60,000.00.

R-17-100 (RESOLUTION NO. 9223 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF AGREEMENT WITH LAKEWOOD RECREATIONAL IMPROVEMENT DISTRICT #4; AND FOR OTHER PUPRPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (7/0).

R-17-101 (RESOLUTION NO. 9224 – MAYOR SMITH)

A RESOLUTION AMENDING THE 2011-2015 CONSOLIDATED PLAN, THE 2016-2020 CONSOLIDATED PLAN AND THE 2016 ANNUAL ACTION PLAN OF THE CITY OF NORTH LITTLE ROCK IN REGARD TO THE HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM AND COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PROGRAM; AND FOR OTHER PURPOSES, was read. Mayor Smith convened a public hearing. Alderwoman Robinson has reviewed the exhibits and advised she is opposed to the legislation. Council members represent the low income, elderly and disabled. She cannot support taking rehab funds and using the same to build homes when there are elderly, low income or disabled persons who need assistance. Mrs. Melissa Ervin, Community Development Director reviewed funds received and the percentage of funds being used for the two different programs. Current Housing and Urban Development (HUD) restrictions (HOME Funds) have to be followed. Community Development Block Grant (CDBG) fund uses and costs of rehabilitation were also discussed. There being no one in the audience wishing to be

heard, Mayor Smith adjourned the public hearing. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, with the exception of Alderwoman Robinson who voted no, the resolution was adopted (6/1).

R-17-102 (RESOLUTION NO. 9225 – 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 Alderwoman Ross and seconded by Alderman 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 adopted (7/0).

O-17-45 (ORDINANCE NO. 8917 – MAYOR SMITH)

AN ORDINANCE DISSOLVING COUNTS MASSIE/COLLINS ROAD MUNICIPAL IMPROVEMENT DISTRICT NO. 1; ACCEPTING FUNDS FROM THE IMPROVEMENT DISTRICT; AND EARMARKING FUNDS FOR THE EXTENSION OF COUNTS MASSIE ROAD; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSE, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, 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-17-46 (ORDINANCE NO. 8918 – MAYOR SMITH)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO INCLUDE A NEW ARTICLE TWENTY-TWO COVERING AIRPORT ZONING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Witcher and seconded by Alderman Hight, 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-17-47

AN ORDINANCE ADOPTING GENERAL SERVICE RULES & REGULATIONS FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AN DFOR OTHER PURPOSES, was read. Mayor Smith advised the Electric Department and Legal Department have been working on this for some time. Mayor Smith would like discussion and set a public hearing for June 26, 2017, at 6:05 p.m. On the motion of Alderman Baxter and seconded by Alderman Taylor, and by consent of all members present, the rules were suspended and the ordinance

was placed on its second reading (7/0). On the motion of Alderman Baxter and seconded by Alderman Taylor, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. Mr. James Bray, General Manager, North Little Rock Electric Department said the department is reviewing rules and regulations from 1983. Technology and business practices have changed. Changes would include deposit refunds, shortening the bill time, decreasing the number of days regarding delinquent accounts, fees related to violations and “soft” credit checks. Mayor Smith encouraged council members to go over the proposed rules and regulations. Mr. Bray said the department debt (owed by customers) was over \$600,000.00 yearly. Thanks to the efforts of David Melton, (Utilities Accounting) that number was reduced but still remains at \$250,000.00. Mayor Smith said this amount is what the city has to write off as a loss. Alderman Taylor asked how customers will be notified of the changes and about the tier of deposit amounts. Mr. Bray discussed the same. Alderman Taylor said elderly, disabled and low income residents may not have a payment history or credit. The department is looking at a “Pre-Pay” option that is being used by other utility companies. Mrs. Jill Ponder said this could be in effect as early as 2018. This would benefit the customer and the utility company. Mr. Carter said this option would allow customers to prepay or pay when they have money available. Mrs. Ponder referenced a customer who pays his bill in installments, when he has the money. Mayor Smith then held the legislation. Alderman Hight asked Mr. Bray about a recent Scam that was brought to his attention. A constituent received an email from Arcadia Power asking people to opt out of their current electrical provider and switch to them. Ms. Ponder will look into it and post information to social media and their website as needed.

O-17-48 (ORDINANCE NO. 8919 – ALDERMEN ROSS AND WHITE)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR STORM DRAIN REPLACEMENT PROJECT ON GLENMERE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (7/0). Alderman Ross said one of the addresses has a sink hole in the yard. Two others have issues. This is necessary to beat the next rain event. On the motion of Alderman Witcher and seconded by Alderman Baxter, 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). (*\$24,590.20 – Street Department Funds*)

O-17-49

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A CAR SALES LOT IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1201 PARKWAY DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Harris and seconded by Alderman Hight, and by consent of all members present, the rules were suspended and the ordinance was placed on its second

reading (7/0). The ordinance was then held at the request of the sponsor, Alderman Harris, prior to being read a second time. (*applicant: Sanford Frazier and Terrell Sanders*)

O-17-50

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A SELF-SERVE ICE VENDING UNIT IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5500 MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Alderman Harris. (*applicant: Randy Wiggins – Big Wig Ice, LLC*)

O-17-51 (ORDINANCE NO. 8920 – ALDERMAN TAYLOR)

AN ORDINANCE TO RECLASSIFY CERTAIN PROPERTY LOCATED AT 403 EAST BROADWAY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM I-1 TO C-6 TO ALLOW COMMERCIAL DEVELOPMENT, BY AMENDING ORDINANCE NO. 7697; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the readings were suspended (7/0). Alderman Taylor said this is the location of the Burger King on Broadway. The building is old. It will be torn down and a new one built in its place. On the motion of Alderman Baxter and seconded by Alderwoman Ross 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: Thomas Engineering*)

PUBLIC COMMENT

Mr. James Ard said Mayor Smith did a great job today on the radio. Mr. Ard said the Electric Department did a good job. Mr. Ard said he has not heard from J-Hood Wrecker Company regarding a vehicle tow he was involved in. He said the city needs to look into them. Mr. Mark Moore asked the city council to reverse condemnations on two apartment complexes. One at 2225 Fendley and one at 2600 John Ashley Drive. He has both properties under contract to purchase. The condemnations on the properties are preventing him from getting financing. He said he was prepared to deposit a \$75,000.00 cashier's check with the city or bond issued by his insurance company to cover the cost of demolition. Mayor Smith asked Mr. Moore to visit with the city attorney following the council meeting for information on posting a cash bond. Alderwoman Robinson said she is disappointed that there will be no emergency funds available to provide assistance to low income residents. Mayor Smith said he was too. Mayor Smith said two Town Hall meetings will be held this month. One will be June 21, 2017, at Lakewood United Methodist Church at 6:00 p.m. The second will be Thursday, June 29, 2017, at Sherman Park at 6:00 p.m. The public is invited to attend. Mayor Smith will discuss the upcoming election.

There being no further business to come before the Council, and on the motion of Alderman and seconded by Alderman, and by consent of all members present, the meeting was adjourned at 7:32 p.m.

(7/0), until the next regularly scheduled meeting which will be held on Monday, June 26, 2017, 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