

August 13, 2018
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, August 13, 2018, 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, CHARLIE HIGHT and MURRY WITCHER (7/0). Council Member MAURICE TAYLOR was not present during roll call. Assistant City Clerk Katelyn Thomas, Deputy City Clerk/Revenue Officer Shannon Carroll and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance were led by Council Member Harris.

On the motion of Council Member Witcher and seconded by Council Member Ross and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, July 23, 2018, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Council Member Hight and seconded by Council Member Robinson, and by consent of all members present, communications #2, 3, and 4, were not read, but were accepted and filed (7/0).

2. Glinda Craigmyle, Mayor's Office memorandum re: *Small Brewery – Tap Room*, for Core Pubs, LLC, 1214 Main Street, Little Rock for 411 N. Main Street, North Little Rock, by Evan B. Mathis.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Change of Manager from Angelia Strickland* for Tobacco Superstore #42, 4604 John F. Kennedy Boulevard, Suite, 10, by Cynthia L. Adams.
4. Karen Scott, Finance Director/ Chairman Energy Risk Management Committee memorandum to City Clerk Diane Whitbey re: Energy Cost Recovery Rider Adjustment Factor (ECR) for August, 2018 (.0025 [positive]).

Council Member Taylor entered the Council Chambers at 6:01 p.m.

On the motion of Council Member Witcher and seconded by Council Member Harris, and by consent of all members present, communication #1 was not read but was discussed, accepted and filed (8/0).

1. Karen Scott, Finance Director – The Retirement System of the City of North Little Rock – Actuarial Valuation as of January 1, 2018.

Finance Director Karen Scott advised a hard copy of the Actuarial Valuation was provided to Council Members at the previous council meeting. Mrs. Scott said the number of participants had not changed

much. In the Actuarial Status of the Plan, the recommended contribution is 18.74%. In 2017, the City Council voted to increase the city's contribution to 9%. Employee contributions remained at 4%. Beginning in January 2018, the City Council voted to increase the city's contribution to 10% and employee contributions to 5%. The Pension Board has reviewed this document and will make recommendations to the City Council in the future.

Mayor Smith announced a Special Call meeting.

August 10, 2018

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 a.m. on Monday, August 13, 2018, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

R-18-161 – AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH DIAMOND CONSTRUCTION FOR THE EXTENSION OF SANITARY SEWER IMPROVEMENTS FOR THE SIXTH STREET DESIGN PROJECT; APPROPRIATING FUNDS. Sponsor: Mayor Joe A. Smith

Pursuant to Sec. 2-48(2) of the North Little Rock Municipal Code, 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-18-161 (RESOLUTION NO. 9034 – MAYOR SMITH)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH DIAMOND CONSTRUCTION FOR THE EXTENSION OF SANITARY SEWER IMPROVEMENTS FOR THE SIXTH STREET DESIGN PROJECT; APPROPRIATING FUNDS (\$70,785.00); AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Smith invited Fit 2 Live Director Isaac Henry to come forward. Mr. Henry introduced Garden Corp employees who were present and advised there are 20 active gardens in the city. These gardens

provide fresh food within the communities where they are located. However, the Garden Corp program is ending. The city has had 1 to 2 workers in the past. Mr. Henry recommended a part-time city employee to manage the program. Funds have already been allocated into the Fit 2 Live Budget. The employee would work 20 hours a week at \$20.00 per hour. The additional employee would increase the Community Gardens line item by \$10,000.00. Mayor Smith supports the recommendation. Council Member White said the Garden Corp workers have been a real asset to the city's communities. Council Member Robinson said the majority of the community gardens are located in Ward 2. These gardens are located in areas that are considered "food deserts." The gardens will continue to provide fresh food within the communities.

UNFINISHED BUSINESS

O-18-54

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED NORTH OF ROCKWATER BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-4 TO R-3 CLASSIFICATION TO ALLOW FOR DUPLEXES 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 called and pulled by the sponsor, Council Member Robinson. (*applicant: Thomas Engineering*)

CONSENT AGENDA

None filed.

NEW BUSINESS

R-18-148 (RESOLUTION NO. 9483 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN IRREVOCABLE CONTRACT OF OBLIGATION WITH ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY FOR CLOSURE OF THE NORTH LITTLE ROCK AIRPORT LANDFILL; AND FOR OTHER PURPOSES, was read. Mayor Smith advised this is something the city does every year or so. On the motion of Council Member Hight and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-149 (RESOLUTION NO. 9484 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A REAL ESTATE CONTRACT WITH WESTROCK COFFEE ROASTING, LLC AND TO SELL CERTAIN REAL PROPERTY LOCATED AT LOT 14 OF COLLINS INDUSTRIAL PARK SUBDIVISION IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Witcher and seconded by Council Member Ross. Mayor Smith said this is a great opportunity for the city. Westrock is a \$50 million company with 75 employees.

This addition will increase the number of employees to 175. Mayor Smith said the property is north of their current location and includes 1.5 acres (more or less). Council Member Ross said the city had the property appraised. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (\$90,000.00)

R-18-150 (RESOLUTION NO. 9485 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN OFFER TO SELL REAL PROPERTY TO THE UNITED STATES DEPARTMENT OF VETERANS AFFAIRS AND TO SELL CERTAIN REAL PROPERTY LOCATED ON HILL ROAD (ADJACENT TO THE CAMPUS OF FORT LOGAN H. ROOTS) IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher and seconded by Council Member Ross, and by consent of all members present, the resolution was unanimously adopted (8/0). (\$90,000.00)

R-18-151 (RESOLUTION NO. 9486 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN OFFER AND ACCEPTANCE WITH ANDY C. SMITH AND TRACY S. SMITH AND TO PURCHASE CERTAIN REAL PROPERTY LOCATED AT 1711 MARION STREET IN THE CITY OF NORTH LITTLE ROCK; APPROPRIATING FUNDS; 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 resolution was unanimously adopted (8/0). Council Member Robinson asked why the city was purchasing this property. Council Member White advised it will be turned into a Conservation Zone and that water flows through the property. Mayor Smith said it is a vacant lot and is part of a drainage project in the area. (\$2,859.00)

R-18-152 (RESOLUTION NO. 9487 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO AMEND ALL AGREEMENTS BETWEEN THE CITY OF NORTH LITTLE ROCK, ARKANSAS AND MARLAR ENGINEERING COMPANY, INC. TO REFLECT THE ASSIGNMENT OF MARLAR ENGINEERING COMPANY, INC. TO HALFF ASSOCIATES INC., WHICH WILL NOW BE KNOWN AS HALFF ASSOCIATES INC, d/b/a HALFF + MARLAR; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Ross and seconded by Council Member Hight. On the motion of Council Member Hight and seconded by Council Member Baxter, and by consent of all members present, the resolution was amended as follows: *substitute Exhibit "A" provided this date* (8/0). A motion to adopt was made by Council Member Witcher and seconded by Council Member Hight. Mr. Mike Marlar said their new company will be Halff + Marlar. They also have an office in Little Rock. Mr. Marlar said he will stay at the North Little Rock location. The new company is retaining existing employees and plans to expand. Mr. Marlar introduced his business partners, Mr. Mark Edwards, Executive Vice President – Halff Associates, Inc. from Richardson, Texas and Mr. James R. Buckle, Office Manager, Little Rock branch. Mr. Marlar said his

father started their company in 1966. He thanked the council, mayor and previous members for the opportunities and support in the past. On the previous motion, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-18-153 (RESOLUTION NO. 9488 – MAYOR SMITH)

A RESOLUTION APPROPRIATING \$150,000.00 FROM THE GENERAL FUND FOR THE CODE ENFORCEMENT DEPARTMENT DEMOLITION AND DEBRIS REMOVAL PROGRAM; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Baxter, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-154 (RESOLUTION NO. 9489 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINST PROPERTIES LOCATED AT 1206 WEST 4TH STREET AND 219 PARKER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Robinson and seconded by Council Member Witcher. Mayor Smith said there are two lots with sub-par homes on them and the neighborhood is growing. Eleven homes are under construction and another 80 are scheduled (to be constructed) during upcoming development phases. The city approached the property owner about purchasing the properties. The owner then selected the appraisal company. The properties appraised at \$24,000.00 (West 4th) and \$20,000.00 (Parker Street). The owner has refused to sell at the appraised value. Mayor Smith said the properties could be used for a Dog Park and/or Pocket Park. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-155 (RESOLUTION NO. 9490 – 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 823 NORTH D STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Taylor 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). (\$4,563.28)

R-18-156 (RESOLUTION NO. 9491 – 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 1002 NORTH D STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Witcher and seconded by Council Member 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 unanimously adopted (8/0). (\$2,945.50)

R-18-157 (RESOLUTION NO. 9492 – 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 1713 PARKER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Hight and seconded by Council Member 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 unanimously adopted (8/0). (\$5,323.28)

R-18-158 (RESOLUTION NO. 9493 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 32 WRIGHT CIRCLE 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. A motion to adopt was made by Council Member Taylor and seconded by Council Member Robinson. 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). (*owner: Beatrice Johnson and Quenton Clark*)

R-18-159

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1819 EAST WASHINGTON AVENUE 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 pulled by the sponsor, Mayor Smith. The structure was removed by the property owner. (*owner: Alen and Karin Thomas*)

R-18-160 (RESOLUTION NO. 9494 – 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 Baxter and seconded by Council Member 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 unanimously adopted (8/0).

O-18-66 (ORDINANCE NO. 9034 – MAYOR SMITH)

AN ORDINANCE RECLASSIFYING PROPERTY LOCATED AT 1920 N. LOCUST STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-3 AND CONSERVATION ZONING CLASSIFICATION TO I-2 ZONING 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. On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (8/0). Mr. Norman Clifton said Amazon is bringing a new concept for distribution. The location was selected for several reasons, including the city's permitting process, etc. Mr. Clifton said the business would have between 60 – 100 employees. This is a great opportunity for the city. Mayor Smith said he met with representatives of the company and their intent is to be up and running by the holiday season. Council Member Ross said this would be a Mini-Distribution Center. Council Member Taylor asked about the I-2 Zoning. Mr. Clifton said I-2 would be required. The adjacent properties (North and East) are currently zoned I-2. On the motion of Council Member Witcher 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: Norman Clifton*)

O-18-67 (ORDINANCE NO. 9035 – COUNCIL MEMBERS WHITE AND ROSS)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 1711 MARION STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-3 TO CONSERVATION ZONING CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member White and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (8/0). Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. 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: North Little Rock Community Development Agency*) Council Member White spoke to the neighborhood group in the area regarding this property. They are looking forward to it being kept clean. Without objection, Council Member Ross was added as a co-sponsor.

O-18-68 (ORDINANCE NO. 9036 – COUNCIL MEMBER HIGHT)

AN ORDINANCE AMENDING ARTICLE 21 (TABLE OF PERMITTED USES) OF ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE) TO REMOVE PAWN SHOPS AS A PERMITTED USE IN A C-4 AND C-5 ZONE AND AS A CONDITIONAL USE IN C-3 ZONES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Witcher, 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 Baxter. Council Member Hight said he discovered Pawn Shops are permitted uses in C-4 and C-5 zones after a new Pawn Shop went in on Warden Road. Council Member Hight said he felt Pawn Shops should only be allowed as a Special Use after being approved by the city council. Council Member Taylor asked if there was an issue with Pawn Shops. Council Member Hight referenced a recent Special Use for a Pawn Shop on John F. Kennedy Boulevard. Council Member Robinson said Ward 2 has a lot of Pawn Shops. Mayor Smith said a Special Use would stay with the business operator. Council Member Taylor asked if this issue had been vetted through the Planning Commission. 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 Taylor, who voted no, the ordinance was adopted (7/1). Emergency clause unanimously adopted (8/0).

O-18-69 (ORDINANCE NO. 9037 – COUNCIL MEMBERS TAYLOR AND ROBINSON)
AN ORDINANCE GRANTING A SPECIAL USE FOR A DAY CARE CENTER IN AN R-3 ZONE
FOR CERTAIN REAL PROPERTY LOCATED AT 2001 PARKER 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). A motion to adopt was made by Council Member Taylor and seconded by Council Member Robinson. Council Member White asked about the time frame since the previous Special Use. Council Member Taylor said the applicant was not able to open the business in the time allowed due to personal issues. The property was a day care previously. 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). (*applicant: Anthony Pettigrew*) Without objection, Council Member Robinson was added as a co-sponsor.

PUBLIC COMMENT

Mr. Roy Wert spoke for the Fit 2 Live Program. He referenced his church and ACTS Ministries in Conway. Mr. Wert said Channel 7 had a news article about the Baring Cross Neighborhood (in North Little Rock), in April 2016. ACTS got involved and was awarded \$125,000.00 by the National Resource Conservation Services to create an Oasis in a Food Desert. His research led him to Fit 2 Live in North Little Rock and Mr. Henry. Their group has worked with Youth Challenge and the City of North Little Rock and has purchased one acre in the area. There will be six High Tunnel Food Houses that will be 30 feet wide and 96 feet deep. The intent is to grow sweet corn, tomatoes, potatoes and other healthy food in Baring Cross. The idea is to change the neighborhood through health and nutrition. Ms. Holly Anderson is the Urban Conservationist with the Pulaski Conservation District. Their mission is to champion the conservation of air, water, wildlife and soil resources throughout the county. She works with school and community gardens, including the Fit 2 Live Community Gardens. Fit 2 Live is the only program of its kind in the county. The youth from AmeriCorps have been instrumental in the success of this program. Mr. Bobby Taylor has had on-going issue with his next door neighbor. He has been to Code Court multiple times. The Judge has told him (the neighbor) he

cannot bring items in. The junk has caused rats and other vermin. The neighbor has also started fires under his carport and porch. Mr. Taylor asked the Mayor to do something about this issue. Mr. Jimmy Ard said they city needs to keep the wooden (railroad) bridge to get to the garbage building. He asked the Mayor to talk to the railroad about keeping the bridge. Council Member Robinson said off of Campbell Road near the subdivision someone is dumping trash. This is not people from the community. She asked if the city could put out cameras.

There being no further business to come before the Council, and on the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, the meeting was adjourned at 6:57 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, August 27, 2018, 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