

December 23, 2019
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 23, 2019, 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, 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.

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

On the motion of Council Member Hight 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, December 9, 2019, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Council Member Baxter and seconded by Council Member Ross, and by consent of all members present, communications #1, 2, 3, and 4 were not read, but were accepted and filed (8/0).

1. Belinda Snow, North Little Rock Housing Authority Executive Director letter to City Attorney Amy Fields re: reappointment of Teresa Burl to North Little Rock Housing Authority Board of Commissioners.
2. John Owens, President/CEO North Little Rock Chamber of Commerce Economic Development Activity Report for Q4 2019.
3. Ember Strange, Chair Energy Risk Management Committee/Finance Director memorandum to City Clerk Diane Whitbey re: Power Cost Adjustment rate (PCA) for January, 2020 (.0020/kwh) negative.
4. Alan C. King, Consultant to the Assessors of the District – Lakewood Recreational Improvement District No. 4 Annual Assessment Report.

On the motion of Council Member Hight and seconded by Council Member Baxter, and by consent of all members present, communication #5 was read by title only, accepted and filed (8/0).

5. Charles Frazier, Executive Director Rock Region METRO memorandum re: R.I.D.E. 2020 Public meeting, January 22, 2020, Laman Library, 5:00 p.m. to 7:00 p.m.

Those who signed in to speak regarding legislation were invited to speak as each item was called by Mayor Smith.

UNFINISHED BUSINESS

O-19-128 (ORDINANCE NO. 9196 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE ALLOWING A SPECIAL USE TO ALLOW A DAYCARE CENTER IN A 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). 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: Anthony Pettigrew*)

CONSENT AGENDA

On the motion of Council Member White and seconded by Council Member Taylor, and by voice vote, all members present having voted “aye”, consent agenda items R-19-217, R-19-218, R-19-219, R-19-220, R-19-221, R-19-222, R-19-223, and R-19-224, were adopted (8/0).

R-19-217 (RESOLUTION NO. 9794 – MAYOR SMITH)

A RESOLUTION REAPPOINTING COUNCIL MEMBER MAURICE TAYLOR TO SERVE ON THE NORTH LITTLE ROCK ADVERTISING & PROMOTION COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-19-218 (RESOLUTION NO. 9795 – MAYOR SMITH)

A RESOLUTION CONFIRMING THE REAPPOINTMENT OF TERESA BURL TO THE NORTH LITTLE ROCK HOUSING AUTHORITY BOARD OF COMMISSIONERS; AND FOR OTHER PURPOSES, was adopted (8/0).

R-19-219 (RESOLUTION NO. 9796 – 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-19-220 (RESOLUTION NO. 9797 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT AN APPLICATION ON BEHALF OF THE CITY OF NORTH LITTLE ROCK FOR 2020 TRANSPORTATION ALTERNATIVES PROGRAM (TAP) GRANT FUNDS FOR THE ARGENTA PLAZA SIDEWALK EXTENSION PROJECT; AND FOR OTHER PURPOSES, was adopted (8/0).

R-19-221 (RESOLUTION NO. 9798 – MAYOR SMITH)

A RESOLUTION SUPPORTING HOUSE JOINT RESOLUTION 1018 OF 2019 WHICH PROPOSES AN AMENDMENT TO THE ARKANSAS CONSTITUTION TO CONTINUE A LEVY

OF A ONE-HALF PERCENT SALES AND USE TAX FOR STATE HIGHWAYS, COUNTY ROADS, CITY STREETS, AND OTHER SURFACE TRANSPORTATION AFTER THE RETIREMENT OF THE BONDS AUTHORIZED IN ARKANSAS CONSTITUTION, AMENDMENT 91, AS SPECIAL REVENUE TO BE DISTRIBUTED UNDER THE ARKANSAS HIGHWAY REVENUE DISTRIBUTION LAW; AND FOR OTHER PURPOSES, was adopted (8/0). Mayor Smith said (Arkansas) Governor Asa Hutchinson brought this up during the (previous) legislative session. He (Mayor Smith)said he wanted to support this Joint House Resolution as continued funding is important for cities and towns to continue to work on roads within the same.

R-19-222 (RESOLUTION NO. 9799 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AGREEMENT WITH JOSEPH J. PABIAN FOR OFFICE SPACE LOCATED AT 500 WEST 26TH STREET; AND FOR OTHER PURPOSES; was adopted.

R-19-223 (RESOLUTION NO. 9800 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT TO REHABILITATE PROPERTY LOCATED AT 2305 EAST 2ND STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was adopted (8/0).

(\$1,000.00/month)

R-19-224 (RESOLUTION NO. 9801 – COUNCIL MEMBERS ROBINSON AND TAYLOR)

A RESOLUTION AUTHORIZING AN ECONOMIC DEVELOPMENT STUDY AND PLAN FOR EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK TO BE CONDUCTED BY THE ARKANSAS ECONOMIC DEVELOPMENT INSTITUTE; AND FOR OTHER PURPOSES, was adopted (8/0).

NEW BUSINESS

R-19-225 (RESOLUTION NO. 9802 – MAYOR SMITH)

A RESOLUTION AMENDING THE 2019 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 Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-19-226 (RESOLUTION NO. 9803 – 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

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-19-137 (ORDINANCE NO. 9797 – MAYOR SMITH)

AN ORDINANCE ESTABLISHING JOB CLASSIFICATIONS AND NUMBERS OF EMPLOYEES FOR EACH DEPARTMENT OF THE CITY GOVERNMENT OF NORTH LITTLE ROCK FOR 2020; 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 (8/0). 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 unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*2020 Quota Ordinance*)

O-19-138

AN ORDINANCE ALLOWING A SPECIAL USE TO ALLOW A TRAILER AND TRUCK RENTAL BUSINESS IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2010 PIKE AVENUE 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 Harris, and by consent of all members present, the readings were suspended (8/0). Mr. Malcom Keener, the applicant owns a business at 2010 Pike Avenue. He requested the approval of a trailer/truck sharing U-Haul business at the same address and said trucks are on the lot temporarily prior to rental. Mr. Keener operates a beauty salon inside the building. Mr. Andrew Hicks is the President of U-Haul Arkansas. Council Member Ross said this business has been operating since April without proper zoning or a (business/privilege) license and that Mr. Keener said he had been advised by a representative of U-Haul that he did not need anything from the city. Mr. Hicks said the route operator was uninformed. However, now that they are aware of the requirements, they will proceed as needed. Council Member White referenced the Planning Commission meeting and notes from staff regarding this application. Staff indicated there was not enough parking for both the barber shop and trailer/truck rental business. Staff also indicated approval of this request (for heavy commercial) could affect future requests/approval in the area. Additionally, a C-4 with a Conditional Use would be the lowest zoning classification. That type of zone is not appropriate for the area and would not comply with the Land Use Plan. Based on the recommendations of the Planning Department Staff, Council Member White said she would not be able to support the application. Planning Director Shawn Spencer said the original request was for 10 trailers/truck to be allowed on the property. The number was reduced to 6 by the Planning Commission. The Planning Commission also removed a time restriction with regard to trailer/trucks and customer parking for the barber shop. Planning staff had concerns with customers parking on the neighbor's property. Council Member Ross said the (Arkansas) State Highway Department does not allow commerce on their property. Council Member Taylor asked how the two businesses go together. Mr. Keener said he is helping the

community. There used to be a U-Haul business on Camp Robinson. In the U-Haul industry (the location) helps people by providing a close place to rent and drop off vehicles. Council Member Taylor referenced the proximity to a U-Haul business located on Cypress Street. Mr. Keener said there is also one on MacArthur. Mr. Hicks said U-Haul has been in business since 1947 and conducted studies which have shown that people prefer to rent within 2-3 miles of their home instead of traveling further. Mr. Hicks said he has 200 dealers within the state with locations adjacent to flea markets, barber/beauty salons, etc. Mr. Hicks said their vehicles are considered light commercial. He added that their computer system would control the number of vehicles on the lot. Council Member Ross said she asked Mr. Keener if the vehicles could be parked behind the business and was told there was no room for parking in the back. Mr. Keener said there could be one vehicle behind the building. He went on to say he has parking on either side and in front of the building. Mayor Smith called for a motion to adopt. There being none, he advised the item would be held. Council Member Taylor then made a motion to adopt which was seconded by Council Member Harris. On the motion, and the roll having been called, and the following council member having voted yes: Harris; and the remaining members having voted no, the ordinance failed (1/7). Ms. Whitbey advised the business has been operating since April, 2019. Mayor Smith advised Mr. Keener the application failed and he will need to cease and desist U-Haul operations. (*applicant: Malcom Keener*)

O-19-139 (ORDINANCE NO. 9198 – COUNCIL MEMBERS ROBINSON AND TAYLOR)
AN ORDINANCE ALLOWING A SPECIAL USE TO ALLOW A DAYCARE CENTER IN AN R-5
ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1821 EDMONDS 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). At the request of Council Member Robinson, Council Member Taylor was added as a cosponsor. 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 unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Turneana Smith-Johnson*)

O-19-140 (ORDINANCE NO. 9199 – COUNCIL MEMBER TAYLOR)
AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CONTRACTOR'S OFFICE
WITH OUTDOOR STORAGE IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT
3100 EAST BROADWAY 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 Ross, and by consent of all members present, the readings were suspended (8/0). Mr. Larry Bryan said the vehicles stored on the property would include track hoes, skid steers, trailers, trucks, etc., which would be used in emergency responses. The property is fenced on three sides. Council Member Baxter asked about the hours of operation. Mr. Bryan said the business is an emergency response company and responds to incidents including truck wrecks, train wrecks, natural disasters, oil spills, etc. On the motion of Council Member Robinson 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: Code 3 Services, LLC*)

O-19-141 (ORDINANCE NO. 9200 – COUNCIL MEMBERS BAXTER AND HARRIS)
AN ORDINANCE ALLOWING A SPECIAL USE TO ALLOW INDOOR RECREATION IN AN I-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 41 COLLINS INDUSTRIAL PLACE 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 (8/0). On the motion of Council Baxter and seconded by Council Member Robinson, and the roll having been called, and all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Candice James*)

O-19-142 (ORDINANCE NO. 9201 – MAYOR SMITH)
AN ORDINANCE GRANTING WAIVER OF SECTION 14.19 OF THE ZONING ORDINANCE TO ALLOW AN ELECTRONIC CHANGEABLE COPY SIGN ON CERTAIN REAL PROPERTY LOCATED AT 4500 MCCAIN BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Ginn, and by consent of all members present, the readings were suspended (8/0). Council Member Taylor asked about the waiver. Mr. Spencer said the sign is located within a (sign) district. Mayor Smith said this is an old sign that is being replaced (and updated). The rules require council approval. The sign will be the same size and in the same location. Council Member Taylor asked if it was within a district that allows electronic changeable copy signs. Mr. Spencer said it was. The guidelines include replacement with a monument sign of a certain size or council approval for something different. Mr. Spencer said the sign will go from a red dot to a full color sign. The sign will have to follow requirements for timing and brightness as well. 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. Council Member Ross said the goal of the sign districts was to bring signs down to a monument size sign. On the previous motion, and the roll having been called, and the following council members having voted yes: Taylor, Robinson, Baxter, Harris and Hight; and the following members having voted no: Ross, White, and Ginn, the ordinance was adopted (5/3). Emergency clause unanimously adopted (8/0). (*applicant: Perry Oldner, Condray Signs*)

O-19-143 (ORDINANCE NO. 9202 – COUNCIL MEMBERS GINN, HIGHT, AND ROSS)
AN ORDINANCE GRANTING A WAIVER OF SECTION 14.25 OF THE ZONING ORDINANCE TO ALLOW TWO OVERHEAD SIGNS IN A C-2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5116 JOHN F. KENNEDY BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; 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 readings were suspended (8/0). A motion to adopt was made by Council Member Hight and seconded by Council Member Ross. Council Member Ross said the company is putting \$.5 million into the remodel. Council Member Hight said this will be an improvement for the area. 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 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: Brittany Nichols, General Manager Fastsigns North Little Rock*)

PUBLIC COMMENT

Mr. James Ard wished everyone a Merry Christmas and Happy New Year. He also asked Mayor Smith how he was doing. Council Member Hight referenced the R.I.D.E. 2020 upcoming open house (meeting). The public is encouraged to attend. Mayor Smith wished everyone a Merry Christmas and Happy Holidays and encouraged people to stay safe. He also announced that North Little Rock Police Officer Andrew Miles is retiring at the end of the year and wished him well.

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 6:35 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, January 13, 2019, 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