

May 28, 2019 (*Tuesday*)  
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, May 27, 2019, was rescheduled to Tuesday, May 28, 2019, due to the Memorial Day holiday and 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, STEVE BAXTER, RON HARRIS, JANE GINN and CHARLIE HIGHT (7/0), a quorum was declared. Council Member LINDA ROBINSON was absent. City Clerk Diane Whitbey and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance were led by Mayor Smith.

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, May 13, 2019, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Smith invited Ms. Sandy DeCoursey, Executive Director, St. Joseph Center of Arkansas, Inc. to come forward. Ms. DeCoursey said St. Joseph is a 53 acre property with a 56,000 square foot historic building (which was previously an orphanage). The property has become an attraction for agri-tourism that will also benefit the city. Their tag line is "Farm Life – City Living". It is unusual to find acreage this size within city limits. This presents an educational opportunity for school children and others to learn about how and where food is grown. There have several different gardening programs at St. Joseph. The AmeriCorps Program group is helping get the property in great shape by installing additional garden beds in the Community Garden area (now have 42 beds). A major project was pasture restoration. The plan is to have a rotational grazing program which will allow cattle, chickens, goats and sheep to rotate on and off the pastures for grass production. They also have "high-tunnel" production which allows a longer growing season. Ms. DeCoursey said they will be offering a Nature Camp June 17 – 21, 2019. Third through sixth graders were encouraged to attend. AmeriCorps Team Leader Harris Blesse said AmeriCorp and Triple C is a national service program for (adults) ages 18 – 24 who spend 10 months doing national community service across the United States. Team members who have been on site for 12 weeks introduced themselves. Mayor Smith thanked the participants for all their work.

Mayor Smith asked Chief Building Inspector Rodger Greene to come forward and presented him with a Proclamation proclaiming the month of May as Building Safety Month in the City of North Little Rock.

On the motion of Council Member Baxter and seconded by Council Member Taylor, and by consent of all members present, communications #1, 2, and 3, were not read, but were accepted and filed (7/0).

1. Anita Paul, Mayor's Office memorandum re: *Retail Liquor & Retail Beer off Premises – Replacement from Thomas O'King, for The Link Discount Liquor* at 9130 Old Jacksonville (aka Hwy 161), by Bharatbhai Hamirani. *Note: this address is not in NLR City limits.*
2. Anita Paul, Mayor's Office memorandum re: *Small Farm Wine – Manufacturer – New #05683 for Paris Winery, Inc.*, 5524 John F. Kennedy Blvd (note: this is the same location as Hawgz Blues, by Kimberly D. Davis.

Council Member Ross asked if a winery was going to go into the same location as Hawgz Blues Café. Ms. Whitbey advised Chief Deputy City Clerk Katelyn Thomas contacted the Arkansas Alcohol Beverage Control Board and was only able to confirm that the application is to produce wine at the location. Mayor Smith said he could hold the communication if necessary.

3. Stephanie Thomas, Interim Finance Director/Chair Energy Risk Management Committee re: PCA (Power Cost Adjustment) Rate for June, 2019 [(0.0006/kwh) negative].

Mayor Smith announced citizen public comment on legislation. Mr. Brian Vines spoke in support of O-16-67. Mr. Vines said the request is to rezone the property. The property around it is light-commercial and property to the north is residential. The property has (Interstate) 40 and I-430 frontage making it unsuitable for residential development and more suitable for light-commercial. A 70 foot buffer has been added between the property and the residential (homes). Mr. James McGlough spoke on behalf of neighborhood residents who want transparency regarding this request. Mr. McGlough said there are 284 available commercial properties in the city at this time. In their area of the city there are 84 listings. He said he has been told the property would be sold to a professional business (such as Doctors or Lawyers). However, there are no written guarantees. This property is currently zoned residential. Residents want to see residential growth in their neighborhood. Mr. McGlough said he is ready to downsize and would buy a lot in the neighborhood. Mr. Michael Lawson spoke against O-19-67 and asked other neighbors and property owners who opposed the legislation to stand. Mr. Lawson referenced a petition he distributed to council members that was signed by 32 property owners who are opposed to this item. Rezoning this property would be a commercial intrusion into the residential neighborhood. There is only one way in and out of the area. Mr. Lawson said there was commercial property located to the south. The infrastructure in the area is not designed to support commercial traffic. Mr. Lawson said the North Little Rock Planning Commission voted against this request and asked the city council to do the same. Mrs. Cheryl Lewis is opposed to O-19-67. She said she lives in a neighborhood with narrow county roads that have pot holes. This property has been up for rezoning several times in the past. She also said they have flooding issues. Mr. Mark Melton spoke regarding O-19-68. He said their church purchased the property 35 years ago. When the parking lot was

designed a spot was included for their sign which was elevated. If the sign was on the ground and cars were parked next to it, it would not be visible. The sign was recently hit and destroyed by a car. The request is to replace the sign. They have been without one for a couple of months. Mr. Anthony Pettigrew spoke regarding O-19-72. He asked the council to reconsider revoking Ordinance No. 9037. Mr. Pettigrew said he has talked with the Fire Marshal several times. He was advised that the Fire Marshal said the building was not suitable and old. Mr. Pettigrew referred to "the division" and said information was removed from his application. He also had issues due to high turnover and untrained staff. He said he completed all requirements April 19, 2019. He talked with the (Department of Human Services) License Specialist but did not discuss the issue of an error. Mr. Pettigrew said he has the original documents he turned in and information that documents were altered. Mrs. Jody Carpenter was present to answer questions regarding O-19-66.

### **UNFINISHED BUSINESS**

O-19-66 (ORDINANCE NO. 9130 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TIRE SHOP AND AN AUTO DETAIL BUSINESS IN A C-4 ZONE AT 923 EAST BROADWAY 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 Hight, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Taylor and seconded by Council Member Ross. Council Member Baxter asked about the hours of operation. Council Member Taylor said he advised the applicant, Larry Carpenter there were some objections to the hours of operation. Mayor Smith said the property will not always be a tire or detail shop. Mr. Shawn Spencer said the current zoning would allow a business such as a C-Store (Convenience). The conditions in this legislation would only apply to a tire or auto detail store. Council Member White asked about the shipping container. Mr. Spencer said the applicant had requested shipping containers behind the building. The exterior is to match the exterior of the building. Council Member White asked if there were other shipping containers in use around the city. Mr. Spencer said any container used for more than one month requires a special use. He referenced Wal-Mart as an example. Council Member Ross asked what the shipping containers would be used for. Mr. Spencer advised tire storage. Mrs. Carpenter said they are very particular about the appearance of their properties. Council Member Taylor said there are railroad tracks on one side of the property and woods on the other. On the motion of Council Member Baxter and seconded by Council Member Hight, and by consent of all members present, the ordinance was amended as follows::  
*Section 2: Tire Store Conditions: 1. Strick through ~~Midnight~~ and insert 10:00 p.m., and Auto Detail Conditions: 1. Strick through ~~Midnight~~ and insert 10:00 p.m. (7/0).* On the motion of Council Member Taylor and seconded by Council Member Hight, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0).

Council Member Hight said he recalled the council discussing normal business hours in residential areas.

O-19-67

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT WINDSONG DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R-2 TO C-3 AND TO THE GREENBELT 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 one time May 13, 2019, was read a second time and held by the sponsor, Council Member Harris. Council Member Ross asked why the applicant had requested a C-3 instead of a C-1 Classification. Mr. Vines spoke on behalf of the applicant and advised he did not know. (*applicant: Halff + Marlar*)

O-19-68 (ORDINANCE NO. 9131 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE GRANTING A WAIVER OF THE SIGN REQUIREMENTS OF SECTIONS 14.112 AND 14.19 OF THE ZONING ORDINANCE TO ALLOW A FREESTANDING ELECTRONIC CHANGEABLE COPY GROUND SIGN ON CERTAIN REAL PROPERTY LOCATED AT 12506 HIGHWAY 165 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 Hight, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Taylor and seconded by Council Member Hight. Council Member Ross asked why the request was for an Electronic Changeable Copy Sign. Pastor Melton said a church member had to climb a ladder to change the letters on the previous sign. It would be safer and easier with an electronic sign. Mayor Smith said the property is in a (sign) overlay district. Council Member Ross said there are other businesses in the area that are abusing the requirements for having an Electronic Changeable Copy Sign. 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). (*applicant: New Life Pentecostal Church*)

### CONSENT AGENDA

*None filed.*

### NEW BUSINESS

R-19-102 (RESOLUTION NO. 9683 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Ross, and by consent of all members present, the resolution was adopted (7/0).

R-19-103 (RESOLUTION NO. 9684 – MAYOR SMITH)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE FEDERAL AID ARKANSAS TRANSPORTATION ALTERNATIVES PROGRAM (TAP) FUNDS FOR THE 14<sup>TH</sup> STREET PEDESTRIAN BRIDGE CROSSING PROJECT; 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 resolution was adopted (7/0).

R-19-104 (RESOLUTION NO. 9685 – 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 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 adopted (7/0).

O-19-70 (ORDINANCE NO. 9132 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO ARKANSAS POWER STEERING & HYDRAULICS FOR THE REPAIR OF A CITY SANITATION TRUCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Hight, 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 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). (*amount: \$36,801.12*)

O-19-71 (ORDINANCE NO. 9133 – MAYOR SMITH)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A SCHOOL IN A C-3 ZONE AT 115 EAST 24<sup>TH</sup> STREET 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 Taylor and seconded by Council Member 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). (*applicant: Halff + Marlar*)

O-19-72

AN ORDINANCE REPEALING ORDINANCE NO. 9037 TO REVOKE A SPECIAL USE 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 one time and held by the sponsor, Council Member Taylor.

O-19-73 (ORDINANCE NO. 9134 – MAYOR SMITH)

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A CITY OF NORTH LITTLE ROCK TAX INCREMENT BOND, SERIES 2019; PROVIDING FOR THE SECURITY FOR AND PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BOND; PRESCRIBING OTHER MATTERS RELATING THERETO; AND DECLARING AN EMERGENCY; was read. On the motion of Council Member Taylor and seconded by Council Member Hight, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Taylor and seconded by Council Member Hight. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. Council Member White asked what the funds would be used for. Mayor Smith said this is similar to the TIF the city passed to build Rockwater Boulevard. The previous ordinance was amended so an additional Bond could be issued. This legislation approves the \$800,000.00 to be used for infrastructure (streets, drainage, etc.). Council Member White referenced a newspaper article and read a portion of the same. “This is the first time a TIF has been used for infrastructure for houses,” Ferrell said. “It was previously used for roads, but this would be just for the houses.” Mrs. Lisa Ferrell, Developer advised she had misspoke. What she meant was the funds would be used for public infrastructure to support houses (being built), roads, sewer, water, etc. Council Member White commended Mrs. Ferrell for the work they have done in the city, but was concerned about the article. Mayor Smith said this would increase the Electric Department’s investment (on these funds) from 2.5% to 5.5%. 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 White who voted “present”, the ordinance was adopted (6/1). Emergency clause adopted (7/0).

### **PUBLIC COMMENT**

Mr. Randall Bradley said residents are having issues with a club on 2<sup>nd</sup> Street (in the old McSpadden Drug Store). There are vacant lots on either side of the building. At times there may be as many as 100 vehicles on the lot(s). The building is between 600 and 900 square feet. People who cannot get into the building are drinking and partying in the street. There are also motorcycles running up and down the street from 9:30 p.m. until 4:30 a.m. every night. This is effecting the residents. He has lived in the neighborhood since (19)73 and never had an issue like this. Mayor Smith asked Mr. Bradley to visit with North Little Rock Police Chief Mike Davis regarding his concerns. Ms. Rachel Kimes invests in real estate. She said higher standards need to be adopted. She has lived in the Burns Park area for 38 years. She referenced Crystal Hill and said the area does not have a good reputation. She referenced the amount of infrastructure at the North Shore Riverwalk while crime and squatting

have increased in the Crystal Hill area. Specifically, Ms. Kimes referred to the area of Vaughn and Reed Road. These areas are outside the city. She has a civil issue related to a neighbor burning tires. She contacted ADEQ (Arkansas Department of Environmental Quality) where she filed a complaint. Ms. Kimes said she has put a lot of money into her property to provide a great home for her renters. However, the neighbor next door will not clean up his property. There was a building on the back of the property that blew up because a homeless person was cooking meth (methamphetamine) in it. Ms. Kimes said she has talked to Sheriff Higgins (Pulaski County). Additional law enforcement has been added to the area. She also referenced property up the hill. City Attorney Fields said the city is unable to do anything related to enforcement as the address is not within the city limits. Ms. Kimes said she spoke with Steve Walden with Pulaski County Road and Bridge who told her he could not give her a petition for clean up as it wasn't bad enough. Ms. Kimes said it is bad and has caused infestation to her property. Ms. Kimes said she has multiple investors ready to take over abandoned residential properties. Mr. Michael Lawson reiterated his comments regarding O-19-67. He said the application process has been underway since October and began as a C-2 request. Mayor Smith said the Arkansas River is expected to crest at 28 feet. He said City Engineer Chris Wilbourn thinks it will stay up several days after it crests due to rain up river. The river will back up into tributaries at White Oak and Shillcutt Bayou, and areas in Gribble and Dixie. Willow Beach is on the edge of the river. There are five houses that may be effected. The city has put out sand and bags in several areas around the city. Volunteers from churches are helping fill bags. The city has requested a machine from Camp Robinson that can be used to fill bags. Mayor Smith said the (Downtown) RV Park will flood along with the area where the Jimmy Buffett Concert Tailgating was scheduled for June 6, 2019. The North Little Rock Convention and Visitors Bureau and Event Planner have been asked to adjust and relocate the event to outside the sea wall onto Riverfront Drive. It is anticipated there will be 13,000 people in attendance with a large number from out of state. Council Member Taylor said the New Life Church had requested sand and sand bags. Mayor Smith advised his Mother-in-law is ill and he may have to go out of town. If so, Chief of Staff Danny Bradley will be in charge.

There being no further business to come before the Council, and on the motion of Council Member Hight and seconded by Council Member Ross, and by consent of all members present, the meeting was adjourned at 7:14 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, June 10, 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