

August 12, 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, August 12, 2019, was called to order at 6:02 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), a quorum was declared. Council Member RON HARRIS was absent. Chief Deputy 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 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, July 22, 2019, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, communications #1 and 2, were accepted and filed (7/0).

1. Paul and Linda Leopoulus and neighbors, letter to Mayor Joe Smith re: Thank you for Street Department's upkeep of the walking path on 5 Mile Creek.
2. Richard Williams – Petition requesting Speed Hump at 47th Street and Augusta Street (62 signatures – for).

Mayor Smith announced the Special Call meeting.

August 9, 2019

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 6:00 p.m. on Monday, August 12, 2019, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

R-19-144 – APPOINTING MIKE TABOR TO THE NORTH LITTLE ROCK HOUSING & BUILDING BOARD OF ADJUSTMENT & APPEALS (SIGN BOARD). Sponsor: Mayor Joe A. Smith

Pursuant to North Little Rock Ordinance No. 9079, 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-19-144 (RESOLUTION NO. 9717 – MAYOR SMITH)
A RESOLUTION APPOINTING MIKE TABOR TO THE NORTH LITTLE ROCK HOUSING & BUILDING BOARD OF ADJUSTMENT & APPEALS (SIGN BOARD); AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Taylor, and by consent of all members present, the resolution was adopted (7/0).

UNFINISHED BUSINESS

O-19-90

AN ORDINANCE AMENDING ORDINANCE NO. 9094 WHICH GRANTED A SPECIAL USE TO ALLOW A BINGO HALL IN A C-3 ZONE FOR PROPERTY LOCATED AT 2655 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Council Member Baxter. (*applicant: Highly Favored Ministries – Keitra Murdock and Corichia Brisco*)

Mayor Smith announced citizen comments on legislation. Mr. Harlan Hunter signed in to speak on O-19-102, but declined.

CONSENT AGENDA

None filed.

NEW BUSINESS

R-19-138 (RESOLUTION NO. 9718 – MAYOR SMITH)

A RESOLUTION ACCEPTING GRANT FUNDS AWARDED BY THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR THE REPAIR OF THE PARK HILL FIRE STATION (FIRE STATION NO. 5); APPROPRIATING MATCHING 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 adopted (7/0). (*amount - \$50,000.00*)

R-19-139 (RESOLUTION NO. 9719 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BLACK & VEATCH, INC. TO PROVIDE PROFESSIONAL SERVICES FOR THE PHASE 1 EVALUATION OF GEOTECHNICAL ISSUES IMPACTING THE DICKEY STEPHENS BALLPARK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Hight and seconded by Council Member Robinson. City Engineer Chris Wilbourn said there have been sink holes during the (2019 baseball) season. The river is (now) down and the ball field appears to be stable. There has been some rotation of the outside retaining walls. Local consultants looked at issues in 2009, 2015 and 2016. Black & Veatch will look into the issues and see if there is a solution to the ground water. They will also look at the structure of the outside walls, etc. and provide concept solutions to the issues. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*amount - \$89,000.00*)

Mayor Smith convened a public hearing on the following Clean Up Liens: R-19-140 – 207 Mosley Street, R-19-141 – 10 Rhodes Avenue, and R-19-142 – 1921 Moss Street. There being no one present wishing to be heard, the public hearing was adjourned.

R-19-140 (RESOLUTION NO. 9720 – 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 207 MOSLEY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 resolution was adopted (7/0). (*amount - \$4,825.92*)

R-19-141 (RESOLUTION NO. 9721 – 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 10 RHODES AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 resolution was adopted (7/0). (*amount - \$3,825.92*)

R-19-142 (RESOLUTION NO. 9722 – 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 1921 MOSS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 resolution was adopted (7/0). (*amount - \$6,432.70*)

R-19-143 (RESOLUTION NO. 9723 – MAYOR SMITH)

A RESOLUTION APPROVING AND CERTIFYING THE 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 Robinson 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-19-96 (ORDINANCE NO. 9156 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO HARNESS ROOFING INC. FOR THE PURCHASE OF ROOF REPAIR SERVICES; 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). A motion to adopt was made by Council Member Ross and seconded by Council Member Taylor. Council Member Hight asked the condition of the building. Mayor Smith said it was inhabitable at this time. His goal is to save the historical building and a roof is needed to do so. Station No. 6 (which is less than a mile away) will be capable of housing the Rescue Unit (that was at Station 5). Council Member Hight would like to see the building used in the future. Council Member Ross said the residents in the Park Hill neighborhood want to retain the presence of the Fire Department (Rescue Unit) at that location. Council Member Ross asked if additional grant funds were available. Mayor Smith said most of the Historical Preservation Grants max out at \$50,000.00. To make the building livable is estimated at around \$750,000.00. 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). (*Park Hill Fire Station No. 5*)

O-19-97 (ORDINANCE NO. 9157 – MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING THE PAYMENT TO BALE CHEVROLET FOR THE PURCHASE OF TWELVE 2020 (2019) CHEVROLET TAHOES FOR THE POLICE DEPARTMENT; DECLARING AN EMERGENCY;

AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (7/0). Mayor Smith said these vehicles would be purchased through the state bid. Council Member Ross had been asked why the city was purchasing these vehicles at this price. Assistant Police Chief Tracy Roulston said the (police rated) Tahoe has been the best performing vehicle for the department. This purchase is for the vehicle only and equipment would be added later (2020). The vehicles will be used for patrol. The purchase is for 2019 model vehicles. On the motion of Council Member Taylor and

seconded Council Member Ross, and by consent of all members present, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (\$384,156.00 + tax)

O-19-98 (ORDINANCE NO. 9158 – MAYOR SMITH)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 1200 – 1309 ROCKWATER LANE AND 1408 ROCKWATER LANE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM TND ZONING CLASSIFICATION TO R-2 ZONING CLASSIFICATION BY AMENDING ORDINANCE NO. 7697; 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 Taylor and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (7/0).

Planning Director Shawn Spencer said the TND District was created approximately 12 years ago. This area, which includes 40 acres was zoned TND. Sections have been sold since that time. This will include the last six lots of Rockwater. 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: North Bluffs Development Corporation – Lisa Ferrell/Jim Jackson*)

O-19-99 (ORDINANCE NO. 9159 – MAYOR SMITH)

AN ORDINANCE ADOPTING REGULATIONS TO GOVERN THE CONSTRUCTION, INSTALLATION, MAINTENANCE AND REMOVAL OF SMALL WIRELESS COMMUNICATION FACILITIES IN THE RIGHT-OF-WAY; 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).

Attorney C. Jason Carter said the City of North Little Rock adopted an ordinance related to Small Cell last year. Since then the FCC (Federal Communications Commission) passed two rules that encroach on municipal authority. He then referenced Act 999. Cities authority to manage Small Cells has been reduced. Some of the restrictions included were negotiated. Before electricity can be connected to an item (pole), it will be inspected to see if the installation was as required by the permit. Council Member Ross asked who would be responsible for maintenance on a pole that is replaced. Mr. Carter referenced custom poles with internal components (also known as “fat poles”) and said they are expensive. Those will be the city’s property. In the event a pole is damaged and needs to be replaced, the vendor will be notified and advised they have 48 hours to provide a replacement. If they do not, the city will install a regular street light pole. Council Member Ross asked if there would be markers around the poles and referred to “Q-tip” poles. Mr. Carter said ground-based markers will not be allowed. There will be signage to indicate the use of the pole for (worker) safety. Council Member White asked how many poles will be in North Little Rock. Mr. Carter estimated saturation could be significant. AT&T and Verizon are aggressively deploying coverage in metro areas. Council Member Hight asked if the regulations will be the same for every city. North Little Rock is a Public Power Community with a lot of infrastructure. Our concern is both aesthetic and for our investment. On the

motion of Council Member Taylor and seconded by Council Member 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).

O-19-100 (ORDINANCE NO. 9160 – COUNCIL MEMBER BAXTER)

AN ORDINANCE ALLOWING A SPECIAL USE TO ALLOW INDOOR RECREATION IN AN I-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 8606 RIVERWOOD DRIVE 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 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 Baxter. Council Member Baxter said the activities involve Nerf bullets and said the sport/game is similar to Laser Tag. 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: Candice Jones*)

O-19-101 (ORDINANCE NO. 9161 – COUNCIL MEMBER HARRIS)

AN ORDINANCE GRANTING A WAIVER OF THE SIDEWALK REQUIREMENTS OF SECTION 12.21 OF THE ZONING ORDINANCE AND SECTION 9.11 OF THE SUBDIVISION ORDINANCE ON CERTAIN REAL PROPERTY LOCATED ALONG WEST 36TH 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 Hight, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Baxter and seconded by Council Member Robinson. Council Member Taylor asked why the council was considering a sidewalk waiver. Mr. Spencer said the Planning Commission reviewed and denied this request and the applicant appealed the request to the City Council. City Attorney Fields advised the current zoning ordinance repealed the authority of the Planning Commission to waive sidewalks. She cautioned when the (sidewalk) requirement is waived for a developer, it relieves them of the financial burden. However, if sidewalks are required later, the financial burden would fall on the city. Council Member White referenced Exhibit "B" and asked about the center area (outlined in red). Mr. Spencer said the applicant is asking that the sidewalk be waived as there are only two residences (within the property area). Mr. Jason Bouwknecht said the area has declined and there is no foot traffic on the road. Council Member Baxter said utility poles, etc. are on that side of the street. Council Member White asked if the waiver was for sidewalks on 36th and 37th. Mr. Spencer said 36th Street only. Council Member Baxter said the area is not level and is at the end of the neighborhood. Council Member Taylor encouraged the council to proceed with caution on requests like this. 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 no, the ordinance was adopted (6/1). Emergency clause adopted (7/0). (*applicant: Halff+Marlar*)

O-19-102 (ORDINANCE NO. 9162 – MAYOR SMITH)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO ADD A NEW ZONING CATEGORY, RESIDENTIAL-URBAN DISTRICT (RU) TO ARTICLE FOUR, RESIDENTIAL DISTRICTS; 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 (7/0). Mr. Spencer referenced rezoning in the Rockwater area to allow smaller lots. This amendment would create a new category that would allow smaller lots with less yard to maintain and upkeep. Council Member Ross referenced half lots in Dark Hollow. Mr. Spencer said this would not apply to one lot, but could apply to half a street or multiple lots. Council Member Baxter asked if this would allow smaller houses. Mr. Spencer said new State Law eliminated minimum square footage. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Council Member Taylor and seconded by Council Member Ross, and by consent of all members present, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-19-103 (ORDINANCE NO. 9163 – MAYOR SMITH)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED SOUTH OF VESTAL STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM TND ZONING CLASSIFICATION TO O-1 ZONING CLASSIFICATION BY AMENDING ORDINANCE NO. 7697; 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 Baxter and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (7/0). Mr. Spencer said this is the second of four lots that is landlocked. The city would like to retain it for drainage. On the motion of Council Member Hight and seconded by Council Member Ross, and by consent of all members present, the resolution was adopted (7/0). Emergency clause adopted (7/0). (*applicant: City of North Little Rock*)

PUBLIC COMMENT

Ms. Dorothy Baccus said people on her street (E 2nd) have 10+ cars in their yard day and night. The residents drink and do whatever they want to. Police do not patrol the area. She said the houses are condemned. Mayor Smith referenced an article in the Arkansas Democrat-Gazette this date regarding the Pulaski County Jail. Over the weekend a verbal agreement was reached with the Pulaski County Judge. North Little Rock will have a 25% increase added to current jail expenses.

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 7:08 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, August 26, 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