

September 28, 2015
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, September 28, 2015, was called to order at 6:00 p.m. by the honorable Mayor Joe A. Smith.

The roll having been called and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, and CHARLIE HIGHT (6/0). Aldermen BRUCE FOUTCH and MURRY WITCHER were absent. Assistant City Clerk Linda Marshall and City Attorney C. Jason Carter were also present.

The prayer and pledge of allegiance were led by Alderman Taylor.

On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, September 14, 2015, were approved, accepted and filed as prepared by the City Clerk (6/0).

Mayor Smith welcomed Dr. Margaret Warrens and accompanying students with Shorter College Entrepreneur Studies Program. Ms. Warrens' group of 25 is attending the Council Meeting as part of a project to observe events and activities within their community. She acts as the coordinator and SGAA advisor for this program. Twelve of the individuals attending tonight's meeting own their own businesses, ranging from Stylist, Cosmetology, Car salesmen and other services. These individuals are also full time students. They are honored to represent Shorter College and North Little Rock. Ms. Warrens' thanked the Council for the opportunity to speak. Mayor Smith commended their efforts.

On the motion of Alderman Baxter and seconded by Alderman Taylor, and by consent of all members present, communications #1, and 2 were accepted and filed (6/0).

1. Glinda Craigmyle, Mayor's Office, memorandum re: *Retail Beer off Premises & Small Farm Wine - Replacement from Denette Harris*, for Dodge's Store Saving, 2910 East Broadway, by Mohammad I. Alam.
2. Robert Voyles, letter to Mayor Smith re: Bayou Water Management District Project Status.

Mayor Smith referenced Communication #2 and the contents of the letter. The next phase is about to begin. The construction will start on the new bridge, which will effect Ward 2. Mayor Smith said it could be within the next 30 days.

UNFINISHED BUSINESS

O-15-61

AN ORDINANCE AMENDING SECTION 3.1 (REGULATIONS APPLYING TO ALL DISTRICTS) AND ARTICLE 21 (TABLE OF PERMITTED USES) OF ORDINANCE NO. 7697 (THE ZONING ORDINANCE) REGARDING FARMING AND THE KEEPING OF LIVESTOCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was held by the sponsor, Alderman Taylor.

O-15-65

AN ORDINANCE ESTABLISHING THE NORTHSORE LANE MULTI-PURPOSE MUNICIPAL IMPROVEMENT DISTRICT NO. 36 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PUPROSES, was held by the sponsor, Mayor Joe A. Smith.

CONSENT AGENDA

None filed.

NEW BUSINESS

R-15-137 (RESOLUTION NO. 8864 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4000 ROGERS STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman 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 adopted (6/0). (*owner: Prescott Douglas and Dinecia Sullivan*)

R-15-138

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1501 WEST 21ST STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; 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. Mr. Carter advised Mr. Tom Wadley, Director of Code Enforcement had asked that this item be pulled as the building had been removed by the owner. Mayor Smith then withdrew the legislation. (*owner: Melisha M. Griffin*)

R-15-139 (RESOLUTION NO. 8865 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 6609 HOLT ROAD IN THE CITY OF NORTH LITTLE ROCK TO CONSITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; 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 (6/0). (*owners: Vernon and Georgia Williams*)

R-15-140 (RESOLUTION NO. 8866 – 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 601 PROTHRO STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman 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 (6/0). (*amount - \$2,509.73*)

R-15-141 (RESOLUTION NO. 8867 – 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 2222 EAST 2ND STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson 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 (6/0). (*amount - \$2,982.12*)

R-15-142 (RESOLUTION NO. 8868 – 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 1301 CRUTCHER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman 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 adopted (6/0). (*amount \$14,909.16*)

R-15-143 (RESOLUTION NO. 8869 – 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 Alderman Baxter 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 (6/0).

O-15-71 (ORDINANCE NO. 8761 – MAYOR SMITH)
AN ORDINANCE AMENDING THE MID-YEAR 2015 QUOTA ORDINANCE (ORDINANCE NO. 8750) FOR THE NORTH LITTLE ROCK POLICE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the readings were suspended (6/0). On the motion of Alderman Taylor and seconded by Alderman Hight, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

O-15-72 (ORDINANCE NO. 8762 – MAYOR SMITH)
AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR THE PURCHASE OF AN AERIAL LIFT TRUCK FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (6/0). A motion by Alderman Taylor and seconded by Alderman Hight was made to adopt. Alderwoman Ross asked for clarification regarding the purchase. Mayor Smith said the bidding requirements would be waived due to the purchase price being higher. The new truck is safer and workers feel more comfortable. Mayor Smith said this is worth the additional expense. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

O-15-73 (ORDINANCE NO. 8763 – MAYOR SMITH)
AN ORDINANCE PROHIBITING THE WITHDRAWAL AND USE OF GROUNDWATER AS A POTABLE WATER SUPPLY BY THE INSTALLATION OR USE OF WATER SUPPLY WELLS OR BY ANY OTHER METHOD ON PROPERTY BOUNDED GENERALLY BY THE ARKANSAS RIVER, CORNISH STREET, EAST 5TH STREET AND NORTH AND SOUTH REDWOOD STREETS IN THE CITY OF NORTH LITTLE ROCK; 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 rules were suspended and the ordinance was placed on its second reading (6/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (6/0). A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Alderwoman Ross asked City Attorney Carter to explain this

legislation. Mr. Carter said this is being presented as a public safety issue. There was ongoing manufacturing onsite at Redwood. They have a consent decree with the Arkansas Department of Environmental Quality (ADEQ). All surface problems are connected to their own property where cleanup is being done. This brings concern regarding ground water. They are currently going through the process with ADEQ. It is important to restrict access to the groundwater following remediation. Mr. Carter said the public should be aware they should not use the ground water from the property during remediation. Mayor Smith said the City has done this before and most people do not use well water. On the previous motion, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

O-15-74 (ORDINANCE NO. 8764 – ALDERMAN TAYLOR)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CONVENIENCE STORE WITH GAS PUMPS AND A DRIVE-THRU RESTAURANT IN A C-6 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 601 WEST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES. was read.

On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the readings were suspended (6/0). A motion to adopt was made by Alderman Taylor and seconded by Alderman Robinson. Mayor Smith asked if the previous building would be torn down. Alderman Taylor did not know. The applicant, Mr. Andrew Hicks is the architect representing Summerwood Partners who will own and operate at this location. They currently own and operate out of the existing structure which will be removed. Summerwood Partners plans to buy property behind this location and remove those buildings. The new facility would occupy both lots and operate as a combined Convenience Store and fast food Restaurant. Alderman Baxter asked if the entrance for the drive-thru would be from West Broadway. Mr. Hicks said there will be four entrances: two will be from the south of Broadway and two will be from the north on 4th Street. There is an existing abandoned roadway on the east side of the property that is used as access and a drive off of 5th Street will be reworked and used as access. Mr. Hicks said most people will use the drive-thru on 4th Street or come in off of Broadway, which would provide stacking space. Alderman Hight asked if the Restaurant portion had been named. Mr. Hicks said it will be a Hardees. Alderman Taylor asked if this store would be ran similar to the Big Red Convenience store in Sherwood off of Brockington Road and Kiehl. Mr. Hicks referenced the store at MacArthur Drive and Military Road with McDonalds attached and said it will be similar to that location. Alderman Taylor commended them for the cleanliness of their stores. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0).

(applicant: Andrew Hicks)

PUBLIC COMMENT

Mr. Harlan Hunter spoke regarding liability issues in Baring Cross. He has met with landlords about problems related to their properties. The main issue is boarded up homes and vacant houses. Mr. Hunter said between their community and the city, a solution can be found to address their issues. He

would like to meet with city officials and find ways to make Baring Cross a better place and protect the community. Some issues are people using alleys in the area. He suggested better lighting. Mayor Smith said he met regarding this issue last week. The city has had "Operation Focus" in the area in the last few years. Another one is being planned. Mayor Smith asked Mr. Hunter to advise the community they need to be sure their car tags are up to date as there will be no tolerance. This should take place within the next 30 to 45 days. Mr. Hunter said he has met with Mr. Wadley regarding his concerns. Mayor Smith asked Mr. Hunter if he could provide a list of homes in question so he can look at them. Mr. John Richards, VI spoke regarding his family cemetery at 46th Street and Smokey Lane (Richards Cemetery). He brought a photograph from Seven (7) On Your Side taken in October, 2014. When the apartment complex (Fontaine Bleu) was built, sod and sprinklers were installed in the road prohibiting access to the cemetery. A friend of his tried to visit the cemetery recently and was approached by three (3) men in uniforms who advised him (the access to the cemetery) was private property. Mr. John Burkhalter owns the apartment complex. Mr. Richards asked for sponsored legislation regarding this issue. Alderwoman Robinson asked the aldermen over that area (Ward 4) if there was another entrance to the property. Alderman Hight was not aware of one. Alderwoman Ross asked Mr. Richards if his friend called the police or took any other action after speaking with the people mentioned. Mr. Richards said he left to avoid conflict. Alderwoman Ross asked what family members wanting to visit the cemetery should do in the future if something like this occurs. Mayor Smith said they should call his office. Mr. Richards provided photographs of trash on the backside of the cemetery and said Mr. Burkhalter was supposed to clean it up. Mr. Carter said the photographs should be submitted to the City Clerk to be part of the record (of this meeting). Mr. James Ard spoke regarding the cemetery. He feels Mr. Burkhalter is keeping these people from visiting the Cemetery. Mr. Ard said it was a shame that Mr. Burkhalter is keeping people from visiting their cemetery. The City should help. Alderwoman White referenced an issue with flushable wipes and the effect on the waste water system. Baby wipes etc., have cost the city a lot of money. She asked that wipes (of any kind) not be flushed. Aldermen Baxter has done some research on this issue and reached out to neighborhood groups and through the Neighborhood newsletters. Wipes can clog the waste water line going to a resident's home. Alderwoman Robinson thanked Animal Control for notifying residents in her community regarding rabid skunks. This helped residents share the information. Alderwoman Ross said National Night Out events will be held on Tuesday October 6, 2015. North Little Rock Police Chief Mike Davis said all locations can be found online at North Little Rock Neighborhood Services webpage. There 13 locations. A new location has been added at Indian Hills Kroger. The Indian Hills Neighborhood watch program is having an event. Chief Davis said there are events happening all over the City and encouraged everyone get out and get involved within their neighborhoods. North Little Rock Fire Chief James Murphy said Fire Fest will be held on October 8th, 2015 at Kroger on McCain and North Hills Boulevard.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the meeting was adjourned at 6:30 p.m. (6/0), until the next regularly scheduled meeting which will be held on Monday, October 12,

2015, 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