

March 28, 2016
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, March 28, 2016, was called to order at 6:01 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, CHARLIE HIGHT and MURRY WITCHER (7/0). Aldermen BRUCE FOUTCH was absent. Assistant City Clerk Linda Marshall, Deputy City Clerk Katelyn Thomas, and City Attorney C. Jason Carter were also present.

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

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from the North Little Rock City Council and Special Call meeting held on Monday, March 14, 2016, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communications #1, 2, 3, and 4, were accepted and filed (7/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from Johnnie Bryant* for TGI Friday's, 2820 Lakewood Village Drive, by Brett Douglas.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from Brent Schleuse* for Chuy's, 5105 Warden Road, by Jeff J. Seymour.
3. Julie Fisher, Mayor's Office Proposal to City Council for Stone Links Park, submitted by Joe A. Smith, Mayor; Terry Hartwick, Director Parks and Recreation; and, Willie Thomas, President, Stone Links Neighborhood Association.
4. Mayor Smith, State of the City of North Little Rock - Annual Report.

Mayor Smith referenced placing the former Stone Links Golf Course property (which was donated to the city) under the Parks and Recreation Department. Mr. Carter referenced the Ordinance defining Parks. Mr. Terry Hartwick, Parks and Recreation Director said Mr. Carter had advised him on how to move forward with the Parks and Recreation Commission before submitting the request to the City Council. Alderman Hight asked the width of walking paths. Mr. Hartwick said they could be six to eight feet across. Alderman Hight asked if cyclists and pedestrians will be able to use the paths. Mr. Hartwick said that is the intent at this time. Alderwoman Ross asked when this would go before the Parks and Recreation Commission. Mr. Hartwick said it is on the agenda for April, 18, 2016. The meeting will be held at the new Heritage Room, Burns Park Golf Course (the old pro shop). The

meeting will convene at 5:00 p.m. Alderwoman Ross said if members of the public has concerns they should attend the meeting.

UNFINISHED BUSINESS

R-16-30 was called following New Business (*see below*).

CONSENT AGENDA

On the motion of Alderman Hight and seconded by Alderwoman White, and by voice vote, and all members present having voted “aye”, consent items R-16-52, R-16-53, R-16-54, R-16-55, R-16-57, and R-16-59 were adopted (7/0). R-16-56 and R-16-58 were pulled.

R-16-52 (RESOLUTION NO. 8964 – MAYOR SMITH)

A RESOLUTION CONFIRMING THE APPOINTMENT OF JON BEAVERS TO THE NORTH LITTLE ROCK HOUSING AUTHORITY BOARD OF COMMISSIONERS; AND FOR OTHER PURPOSES, was adopted (7/0)

R-16-53 (RESOLUTION NO. 8965 – MAYOR SMITH)

A RESOLUTION REAPPOINTING SYLVESTER L. SMITH TO THE NORTH LITTLE ROCK WASTEWATER TREATMENT COMMITTEE; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-54 (RESOLUTION NO. 8966 – MAYOR SMITH)

A RESOLUTION REAPPOINTING KAREN BRYANT TO THE NORTH LITTLE ROCK WASTEWATER TREATMENT COMMITTEE; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-55 (RESOLUTION NO. 8967 – MAYOR SMITH)

A RESOLUTION REAPPOINTING KENNETH “BUCK” MATTHEWS TO THE NORTH LITTLE ROCK WASTEWATER TREATMENT COMMITTEE; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-57 (RESOLUTION NO. 8968 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE DONATION OF CERTAIN USED TORNADO SIRENS TO THE CITY OF HATFIELD; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-59 (RESOLUTION NO. 8969 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A FIVE-YEAR EXTENSION OF THE INTERLOCAL AGREEMENT BETWEEN THE CITIES OF NORTH LITTLE ROCK AND LITTLE ROCK, ARKANSAS ALLOWING METROPOLITAN EMERGENCY MEDICAL SERVICES (“MEMS”) TO CONTINUE PROVIDING EMERGENCY MEDICAL SERVICES AND NON-EMERGENCY ROUTINE TRANSPORTS IN NORTH LITTLE

ROCK PURSUANT TO AN EXCLUSIVE FRANCHISE; AND FOR OTHER PURPOSES, was adopted (7/0).

NEW BUSINESS

R-16-56 (RESOLUTION NO. 8970 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Taylor. Alderman Witcher asked if there were any operable computers listed and if so, could they be transferred to the Senior Citizens Center (Hays Center). Ms. Mary Beth Bowman, Purchasing Director will check. Alderwoman Ross asked about the Tilt-A-Whirl and Scrambler at Funland. Ms. Bowman said they are still located in the park, but are in poor repair. Repairs would be too expensive. Alderwoman Ross also asked about two walkway planks and if they could be used in Lakewood. Mayor Smith said the City Engineer advised it would cost a lot of money to put them in as bridges. Mayor Smith asked Ms. Bowman to retain the (walkway) planks which are currently stored at Hastings. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). Mayor Smith said the walkway planks and computers referenced above will be withheld from the auction.

R-16-58 (RESOLUTION NO. 8971 – MAYOR SMITH)

A RESOLUTION APPROPRIATING \$40,000.00 FOR THE STONE LINKS TRAIL PROJECT AT FAULKNER LAKE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 resolution was adopted (7/0).

Mr. Willie Thomas, President of Stone Links Neighborhood Association thanked the council for the city's interest in the golf course and their community.

R-16-60 (RESOLUTION NO. 8972 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE EXPENDITURE OF DONATED FUNDS TO REMOVE A BUILDING; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Baxter. Chief of Staff, Danny Bradley said a local resident and business man complained about the old muffler shop on East Broadway. He offered to pay for the removal (of the structure). The property doesn't meet the definition of a condemnation by the city. Chief Bradley contacted the property owner who said the building could come down, but he didn't want to pay for it. The city cannot pay the costs. This legislation will allow the city to receive donated funds to use for the removal of the structure. Alderwoman Ross said city employees would not be used to remove the structure. The building is the old Three Star Muffler shop. Alderman Hight made a motion to adopt which was seconded by Alderman Baxter. On the previous motion, and by consent of all members present, the resolution as adopted (7/0).

R-16-61 (RESOLUTION NO. 8973 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 226 COLLEGE PARK 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 Alderman Witcher 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 (7/0). (*owner: Raymond Desalvo*)

R-16-62 (RESOLUTION NO. 8974 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STUCTURES LOCATED AT 723 WEST 35TH STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCUTRES; 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 Alderman Taylor 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 (7/0). (*owner: Keith Caldwell Properties LLC*)

R-16-63 (RESOLUTION NO. 8975 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2104 MOSS STREET 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 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 as adopted (7/0). (*owners: Ricky Conley and Sujan Gadi*)

R-16-64 (RESOLUTION NO. 8976 – 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 Witcher, 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 (7/0).

O-16-18 (ORDINANCE NO. 8800 – MAYOR SMITH)

AN ORDINANCE AUTHORIZING A ONE-TIME PAYMENT OF \$80,000.00 TO THE LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) FOR THE BENEFIT OF CERTAIN RETIREES, OR THEIR BENEFICIARIES, OF THE NORTH LITTLE ROCK POLICE AND FIREMEN’S RELIEF AND PENSION FUNDS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Baxter, and consent of all members present the readings were suspended (7/0). On the motion of Alderman Witcher and seconded by Alderman 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).

O-16-19 (ORDINANCE NO. 8801 – MAYOR SMITH *for consideration only*)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TIRE STORE IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3900 CAMP ROBINSON ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderman Hight, and by consent of all members present, the readings were suspended (7/0). Mr. Terry Burruss is the applicant. Rent A Wheel is a national franchise. They are not a tire store. They have wheels which equate to rims. Tires are an ancillary use. A proposed addition is at the rear of the site (Mr. Burruss referenced a site plan he distributed to council members). Removal of some pavement and extensive landscaping are included. Other illustrations were of other store locations. They will upgrade the existing building and put in a monument sign. Mr. John Raines owns the facility. He referenced his business background. They are not used tire sellers. Mr. Raines reviewed the company operations and reputation and said their customers like them. Remodeling the building will cost around \$170,000.00. Alderwoman Ross said she had concerns for residents behind the building. She said there can be a lot of noise (from this type of business) and asked if the bay doors would be closed. Mr. Raines said they haven’t had issues with the location in Little Rock. Power tools are not used to torque the wheels. The rims are expensive and can be damaged if over-torqued. They do have air wrenches. Alderwoman Ross referenced outside storage and said a lot of effort has gone into cleaning up the area. Alderman Taylor suggested adding a condition prohibiting outdoor storage. Alderwoman White said without air wrenches it will still be noisy and was concerned for residents. Mr. Burruss referenced a wood fence and additional landscaping that will help shield sound. Mr. Raines said noise coming from the street will be louder than the business. Alderwoman White referenced a comment regarding “customers keep their tires in a bag”. Mr. Raines said owners can keep their original stock wheels (and tires) to put back on their vehicle if they sell it. If the tire is not usable they (the business) will dispose of it. Alderman Hight asked if customers could buy tires only. Mr. Raines said they can, but that is not what they do. Mr. Raines also said they will finance. Alderman Hight said when a tire store was considered in Ward 4, the hours were restricted. Mr. Raines said their primary trading time will be between 4:00 p.m. and 7:00 p.m. Alderman Taylor asked about the noise of putting the tires on the rim. Mr. Raines said the noise will not transmit toward the neighborhood. Mayor Smith asked the

average cost of a rim. Mr. Raines said \$400.00. On the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, the ordinance was amended as follows:: *Section 2 (c) strike through No outside open air storage of tires; and insert OUTSIDE STORAGE OF TIRES IS PROHIBITED; and delete Section 2 (d) (7/0).* Alderman Hight asked how they mount the tire to the rim without air wrenches. Mr. Rainey said they use a ratchet wrench. Alderman Taylor said an air wrench will warp the rim and void the warranty. Mr. Rainey said the torque is specific to each tire (rim). On the motion of Alderman Hight and seconded by Alderwoman Ross, and the roll having been called, and all members present having voted in the affirmative, with the exception of Alderwoman White, who voted no, the ordinance was adopted as amended. (6/1). Emergency clause adopted (7/0). (*applicant: Terry Burruss*)

O-16-20 (ORDINANCE NO. 8802 – ALDERWOMAN WHITE)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A DAYCARE CENTER IN A C-L ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 900 WEST 36TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderwoman Ross, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderwoman White and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderman Baxter who passed, the ordinance was amended as follows:: *correct typographical error in Section 5 by striking through Levy Baptist Church, and inserting SUBJECT PROPERTY* (6/1). Alderman Taylor asked the definition of a C-L zone. Mr. Shawn Spencer, Planning Director said that is the new Levy Jumpstart zone. Park Hill also has one (C-P). Alderman Witcher said he had concerns regarding traffic off of Marion from the interstate. He was advised (unidentified person) the property has been a daycare for 14 years and there have been no issues. On the motion of Alderwoman White and seconded by Alderwoman Ross, 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). (*applicant: Beverly Hall*)

O-16-21 (ORDINANCE NO. 8803 – ALDERMAN BAXTER)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A DAYCARE CENTER IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 8000 CRYSTAL HILL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Baxter and seconded by Alderman 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). (*applicant: Bryan Christian*)

Unfinished Business:

R-16-30 (RESOLUTION NO. 8977 – ALDERMAN BAXTER)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT TO REHABILITATE PROPERTY LOCATED AT 601 55TH TERRACE DRIVE IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was amended 2-22-16, was read. Alderman Baxter said there were issues with a different rehab (rehabilitation) agreement. This application understands there are risks regarding the agreement. Anytime a property can be rebuilt as opposed to tearing it down is in the best interest of the community. On the motion of Alderman Baxter and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted as amended (7/0). (*rehab agreement with Nicole R. McIvor*)

Mayor Smith thanked Jon Beavers for his service on the Housing Authority Board; and Sylvester Smith, Karen Bryant and Buck Matthews for their continued service on Wastewater Committee.

PUBLIC COMMENT

Mr. Jimmy Ard addressed Alderman Witcher regarding the Hays Center (inaudible). Mayor Smith distributed the 2016 Overlay Program – Cost Estimate. This year, traffic volume and evenly dividing the budget between the Wards was a difficult task. Streets included are those with the most damage in need of repair. Lynch Drive and possibly Colonel Maynard in Ward 2 are being considered for 2017. In Wards 2 and 3 a lot of the roadways are State highways. In Ward 3, Camp Robinson Road and MacArthur Drive are both State highways. In Ward 4, North Hills Boulevard north of McCain will be considered in 2017. Mayor Smith asked council members to look over the list and if there are streets with heavy traffic in worse condition to let him know. Alderman Hight has had a lot of calls about North Hills Boulevard south of McCain. Alderwoman White said Fairway is in bad shape. Mayor Smith said if bids come in below estimations, then funds may be available for other streets. Alderman Taylor referenced Washington from Plum to Palm Street. Mr. Bradley said a different section was completed year before last. He will recheck the location to confirm and advise. Alderwoman Ross asked what the estimate was to repair Fairway. Mayor Smith asked City Engineer Chris Wilbourn to provide that information to Alderwoman Ross. Alderman Witcher asked the Mayor to put Sherwood (city limits) to the bridge at the top of the list. Alderman Hight said when the time comes he would like to discuss placing sharrows (shared use lane) on North Hills Boulevard versus bike lanes.

There being no further business to come before the Council, and on the motion of Alderman Baxter and seconded by Alderman Hight, and by consent of all members present, the meeting was adjourned at 7:05 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, April 11, 2016, 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