

May 29, 2018
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 *Tuesday*, May 29, 2018, 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, CHARLIE HIGHT, and MURRY WITCHER (8/0). Assistant City Clerk Katelyn Thomas, Deputy City Clerk Talor Shinn and City Attorney Amy Fields were also present.

Council Member Ross introduced Reverend Tyrone Broomfield, Bethel AME Church who lead the prayer. The pledge of allegiance was led by Council Member Ross.

On the motion of Council Member Witcher and seconded by Council Member Hight and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, May 14, 2018, were approved, accepted and filed as prepared by the City Clerk (8/0).

Mayor Smith announced a Special Call meeting.

May 25, 2018

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 6:05 p.m. on Wednesday, May 29, 2018, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

R-18-108 – Expressing the willingness of the City of North Little Rock, Arkansas to utilize state aid street monies for the North Little Rock Lynch Drive and Faulkner Lake Overlay Project. Sponsor: Mayor Joe A. Smith

Pursuant to Sec. 2-48(2) of the North Little Rock Municipal Code, 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.

Respectfully,
Amy Beckman Fields
City Attorney

SPECIAL CALL

R-18-108 (RESOLUTION NO. 9435 – MAYOR SMITH)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO UTILIZE STATE AID STREET MONIES FOR THE NORTH LITTLE ROCK LYNCH DRIVE AND FAULKNER LAKE ROAD OVERLAY 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 unanimously adopted (8/0).

Mayor Smith introduced a presentation from the North Little Rock Communications Department highlighting Burns Park, the city's largest municipal park with 1,700 acres. Mayor Smith commended staff for their efforts.

On the motion of Council Member Witcher and seconded by Council Member Robinson, and by consent of all members present, communications 1, 2, 3, 4, and 6, were not read, but were accepted and filed (8/0).

1. Norma Kent – Petition requesting Speed Hump at Vestal and 10th Pike (*15 signatures – for*)
2. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer Off Premises – NEW* for Pike Food Mart, 1802 Pike Avenue, by Satnarayan Murthy.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from Terry Harris for My Friends, Place*, 5501 MacArthur Drive, by Toby W. Williams.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from Kimberly Davis for Hawgz Blues Café*, 5524 John F. Kennedy Boulevard, by Ed Askew.
6. Melissa Ervin, Community Development Director – *Notice of Public Comment Period and Public Hearing* re: Proposed 2018 Annual Action Plan for Housing and Community Development, Monday, June 25, 2018 at 6:00 p.m., during the North Little Rock City Council Meeting.

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

5. Betty Williams – Petitions of Objection to O-18-30 Reclassifying Property located east of Graham Avenue and north of Page Mill Road; Special Use for Top Soil Mining (*80 signatures - against*).

Mayor Smith announced citizen public comment on legislation. Pastor Earl Graham spoke against O-18-30 and referenced communication #5. The church's priority is to its congregation. They have concerns with how access to the property would affect them, their members and attendance. Pastor Graham said the church will move to have a street named in honor of long time Pastor O. C. Jones in July (2018). Pastor Jones has served the church for close to 60 years. Council Member Witcher asked

if there had been any construction or dirt moving within the past few weeks. Pastor Graham said none that he was aware of. Mr. Jerome Green is President of Shorter College. Mr. Green spoke regarding O-18-42 and referenced members of the Board of Trustees and Administration who were present. Shorter College was founded in 1976 by the African Methodist Episcopal (AME) Church. The college and church have worked to make positive improvements to the city. A new building will be the headquarters for the 12th Episcopal District of the AME, for the states of Arkansas and Oklahoma. Mr. Green said the college supports the development of a Sign District along Locust Street, which is commercial use. Reverend Green also spoke in support of O-18-42 and thanked the city council for their support. Mayor Smith said the AME Church has done a lot in the community and Shorter College is a place to be proud of. Mr. James Ard spoke regarding O-18-43. He has no issue with the request. Mr. Ard asked the council to hold the legislation to find out more about the chemicals (stored) on the property.

UNFINISHED BUSINESS

O-18-30

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED EAST OF GRAHAM AVENUE AND NORTH OF PAGE MILL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 TO R-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; GRANTING A SPECIAL USE TO ALLOW THE SALE OF TOPSOIL IN ORDER TO PREPARE LAND FOR ROW CROPS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith. (*applicant: David Mitchell*)

O-18-42 (ORDINANCE NO. 9012 – COUNCIL MEMBERS ROBINSON AND TAYLOR)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO ESTABLISH THE NORTH LOCUST STREET SIGN OVERLAY DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and a public hearing was held May 14, 2018. 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). Council Member Ross asked that the brightness of the sign(s) be kept to a minimum so it will not be a distraction for drivers on the Interstate. Without objection, 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, with the exception of Council Member White, who voted no, the ordinance was adopted (7/1). Emergency clause unanimously adopted (8/0).

CONSENT AGENDA

None filed.

NEW BUSINESS

R-18-99 (RESOLUTION NO. 9436 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY LOCATED ON ALLEN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM ROSS PHILLIPS; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-100 (RESOLUTION NO. 9437 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINST CERTAIN PROPERTY LOCATED ON DIVISION STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Witcher and seconded by Council Member Hight. Mayor Smith said the property has been vacant for many years. The original owners are deceased. Council Member Ross said Parks and Recreation has been mowing the property. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (*Note: abandoned cemetery property also known as the old Thomas Cemetery*)

R-18-101 (RESOLUTION NO. 9438 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LEASE AND GENERATION AGREEMENT WITH BEN E. KEITH COMPANY FOR BEN E. KEITH COMPANY TO BE PROVIDED BACKUP GENERATOR POWER BY THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-102 (RESOLUTION NO. 9439 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN EASEMENT AGREEMENT WITH BEN E. KEITH COMPANY AND PULASKI COUNTY ARKANSAS, FOR PROPERTY LOCATED AT I-440 AND HIGHWAY 70; 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 unanimously adopted (8/0).

R-18-103 (RESOLUTION NO. 9440 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION RELATIVE TO THE DESIGN AND CONSTRUCTION OF THE INTERSTATE 30 AND INTERSTATE 40 WIDENING AND RECONSTRUCTION PROJECT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Robinson and seconded by Council Member Taylor. Mayor Smith said the city put together a

committee to work with the (Arkansas State) Highway Department regarding the design (appearance) of the Interstate walls and underpasses, etc. The city has been setting aside funds for future upgrades to lighting in the area. Council Member Ross said the plan included District signs (example: Dark Hollow, Park Hill, etc.). On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-104

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN OFFER AND ACCEPTANCE WITH SOUTHEAST FINANCIAL MANAGEMENT, LLC AND TO PURCHASE CERTAIN REAL PROPERTY LOCATED AT 9906 EAST HIGHWAY 165 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Ross. Mayor Smith said Fire Station No. 11 is located on this property and the firefighters like the location. The city negotiated a deal with the property owner, Kaye Lynn Tankersley. This would also relieve the city from a three (3) year lease. Council Member Ross referred to Exhibit "A" and said there appear to be abandoned vehicles or trailers on the property. Mayor Smith said the property next door is being used as a concrete plant. Council Member Taylor asked if this included the existing concrete plant and referenced Exhibit "A". Mayor Smith said it does not. The portion of the property includes the house, and the buildings that house the fire truck and fire boat. Chief of Staff Danny Bradley said the agreement is for 1.1 acres which includes the Fire Station (house) and auxiliary buildings. Not the vacant land behind it or the concrete plant. Mayor Smith asked if there was a legal description (in the proposed legislation). City Attorney Fields said the legislation is for the intent to purchase only and the map can be removed. Chief Bradley said the offer will expire this week. Council Member Taylor said an accurate legal description needs to be included. Mayor Smith then held the legislation.

R-18-105 (RESOLUTION NO. 9441 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOW BID OF AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH REDSTONE CONSTRUCTION GROUP FOR THE 2018 ASPHALT OVERLAY PROGRAM; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Witcher and seconded by Council Member Taylor. Council Member Ross asked if risers were included for the man-hole covers. City Engineer Chris Wilbourn said they were included in the project. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-106 (RESOLUTION NO. 9442 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ACCEPT DONATION OF CERTAIN PROPERTY LOCATED IN THE VICINITY OF THE PROPOSED ARGENTA PLAZA IN THE CITY OF NORTH LITTLE ROCK FROM THE NORTH LITTLE ROCK DOWNTOWN DEVELOPMENT BOARD; AND FOR OTHER PURPOSES, was read. City Attorney Fields said the legislation will need to be amended to include a portion of property owned by

the Public Building Authority. A motion to adopt was made by Council Member Taylor and seconded by Council Member Robinson. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was amended as follows::
Section 1: insert following the Board, OR BY THE NORTH LITTLE ROCK PUBLIC BUILDING AUTHORITY (8/0). On the motion of Council Member Taylor and seconded by Council Members Baxter, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-18-107 (RESOLUTION NO. 9443 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE PARKING LOT EASEMENT AGREEMENTS WITH FIRST ORION CORP; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher and seconded by Council Member Hight, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Smith said this would give First Orion exclusive use of the parking lot behind their business during working hours Monday – Friday, and would include 24/7 licensing on 25 parking spots. The remaining spots would be open for public parking nights and weekends.

O-18-43 (ORDINANCE NO. 9013 – COUNCIL MEMBER HIGHT)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A TERMITE AND PEST CONTROL BUSINESS IN A C-1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5307 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 Robinson, and by consent of all members present, the readings were suspended (8/0). Council Member Hight said there were questions regarding mixing chemicals. He then asked the applicant, Mr. Marc Heflin to come forward. Mr. Heflin said a lot of the mixing is done on the job site (at the customer’s home). There will be minimal mixing on the property. They prefer to not travel with the mixed chemicals. Council Member White asked if the product on the truck was a chemical or not. Mr. Heflin said their preference is to mix the chemicals at the job site. The products on the vehicle are separate until mixed. Council Member White asked if the products were less dangerous if they are separate. Mr. Heflin advised they were. Council Member Hight said this is standard practice throughout the industry. Mr. Heflin said they have offices in Little Rock, Searcy, and Arkadelphia. Council Member Ross asked if any residents in the area had complained. Planning Department Director Shawn Spencer said he is not aware of any. However, staff and the Fire Marshal did have multiple conversations with the applicant regarding safety concerns. Council Member Ross asked what “just in time inventory” meant. Mr. Heflin, said they would have as little of the product on site as possible. Council Member Ross asked if there were any regulations in the other cities with regard to a maximum amount of product that can be stored on site and if any of the other locations were in residential areas. Mr. Heflin said there were no regulations in the other cities and the Cantrell office is close to a day care and McDonalds restaurant. Mayor Smith said (Fire Department) Hazmat has reviewed the application. 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 unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Legacy Termite & Pest Control – Marc Heflin*)

O-18-44 (ORDINANCE NO. 9014 – MAYOR SMITH)

AN ORDINANCE VACATING AND ABANDONING A PORTION OF GRIBBLE STREET EAST OF ITS INTERSECTION WITH CHERYL STREET IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member Baxter, and by consent of all members present, the readings were suspended (8/0). Mayor Smith said Mr. Oakley owns all of the property in the area. They are getting ready to build a 22,000 square foot office building on the river which will house at least 100 employees. On the motion of Council Member Hight and seconded by Council Member Robinson, and the roll having been called, and by consent of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Tim Cummins, CFO of Bruce Oakley, Inc.*)

PUBLIC COMMENT

Mr. Larry Westmoreland is with The Veterans Land Bank. He spoke to the city council in February and has met with the Mayor about getting some property for veterans. He is working with a real estate agent who has several veterans who have been pre-qualified. He is unclear as to the procedure on how to get property transferred to the veteran. Mayor Smith recalled their meeting and said he understood they were going to start small and identify some properties. He said the city is waiting for the properties to be identified. Mr. Westmoreland said they are looking at a couple of properties. Mr. Robert Birch, Special Assistant to the Mayor is working with Mr. Spencer on getting an updated list of properties. Council Member Ross asked if a lot was donated to the Veterans Land Bank, would they then build a house on the lot and provide the loan to the veteran. Mr. Westmoreland said the veteran would have to apply for the loan in his/her name and then the house would be built in that person's name. Council Member Ross asked how this was different from buying a house. Mr. Westmoreland said they are able to reach some of the veterans who are not very sophisticated in lending practices. They (Veterans Land Bank) provide credit counseling to make the veteran bankable. Mayor Smith said the donation of land would go towards the equity in the property. Mr. Westmoreland said they also renovate dilapidated structures. Council Member Robinson said she didn't think the city owned any residential properties. Mr. Westmoreland said there is property on 51st Street that they are interested in. Council Member Witcher said Home Depot has a Veterans Aid program where they help veterans build homes and donate materials. Mr. Bobby Taylor said neither council member (from his Ward) nor the Mayor attended their last Neighborhood Crime Watch meeting. Mayor Smith said he spoke to the President of the association who said they were not prepared for him to attend. Mr. Taylor said a lot of questions were asked about drainage, standing water, trash, inoperable vehicles, etc. Mr. Taylor said he hasn't heard anything back about the recycling bins. He has also contacted the

(State) Highway Department about an area in Rose City. Council Member Robinson referenced an email she had received from the City Engineer which provided an update regarding an intersection (by Shotgun Dan's at Highway 70 and 165). The State Highway Department is aware of the intersection, and the location is on their list to be completed. Council Member Taylor said (Highway) 391, Faulkner Lake Road, 165, 70, and 161 are all State or County Highways. They are not under the jurisdiction of the City of North Little Rock. Mr. Ard said the Mayor's wife Missie Smith was in attendance at the meeting. Mr. Ard said council members sometimes have to vote against their constituents. Council Member Robinson said a constituent asked if the city would provide large trash cans to every resident. Mayor Smith said Regional Recycling is wanting the city to go in that direction. Recycling contamination in recycling is a lot higher in our city than in the Cities of Little Rock and Sherwood, which use the containers. North Little Rock looked into this 20 years ago. The city would have to change the type of equipment (trucks) it uses. The city just purchased two (2) new trucks and three (3) are under 3 years old. This will be something the council will need to consider in the future. Council Member Hight said a resident in Ward 4 off of Kierre purchased a Waste Management Bagster to put his household waste in. He talked to Mr. Harold Ford, Sanitation Director who agreed to pick it up. Council Member Ross reminded the public that sanitation will run one-day delayed all week due to the holiday.

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 7:07 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, June 11, 2018, 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