

November 27, 2017  
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, November 27, 2017, was called to order at 6:01 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, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, and MURRY WITCHER (6/0). Council Members MAURICE TAYLOR and CHARLIE HIGHT were not present during roll call. City Clerk Diane Whitbey and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance were led by Council Member Witcher.

On the motion of Council Member Witcher 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, November 13, 2017, were approved, accepted and filed as prepared by the Assistant City Clerk (6/0).

On the motion of Council Member Witcher and seconded by Council Member Ross, and by consent of all members present, communication #1 was not read, but accepted and filed (6/0).

1. Email from Bill Toland to Mayor Joe A. Smith re: revitalization of Burns Park Golf Course and facilities, including baseball/softball fields, disc golf, soccer fields and new playground equipment, etc.

Council Member Taylor entered the council chambers at 6:03 p.m.

Mayor Smith asked Mr. Mark Hayes, Arkansas Municipal League Lead Council to come forward and advise the council regarding the issue of the opioid epidemic. Mr. Hayes advised there is an epidemic regarding opioids in our country. Statistics show 173 Americans die per day from an overdose. More people die from accidental overdoses than motor vehicle accidents. About 580 people go from prescription pills to heroin. Mr. Hayes said 4 to 6 oxycodone pills can cause those susceptible to addiction to become addicted. This appears to affect millennials more than other groups. The cost to taxpayers is billions of dollars. The cost in 2015-2016 was \$55 billion. The number of calls to emergency responders (police and fire) has increased over the last few years. Cities and counties are on the frontline. The calls for assistance cost money and resources. Coroners do not have enough space for deceased victims. This is a horrible problem and litigation is necessary. In conjunction with the Association of Arkansas Counties and the Arkansas Municipal League Legal Defense Program, a

class action lawsuit will be filed against distributors, and possibly manufacturers and Doctors. Mr. Hayes advised the Defense Program will meet on the 29<sup>th</sup>. He would like to report that a number of counties and cities are involved in these cases. Mr. Hayes said League staff and outside lawyers will handle the majority of the work. There will be no cost to the city.

Council Member Hight entered the council chambers at 6:07 p.m., during the above presentation.

Mayor Smith asked for a Voice Vote to allow him to sign an Affidavit that will make the City of North Little Rock part of the above referenced (class action) lawsuit and requested that City Attorney Fields present a Resolution regarding the same at the next council meeting. On the motion of Council Member Ross and seconded by Council Member Robinson, the roll was called on a Voice Vote and all members present voted in the affirmative (8/0).

Mayor Smith announced public comment, however, all who signed up have legislation on the agenda.

#### **UNFINISHED BUSINESS**

*None.*

#### **CONSENT AGENDA**

*None.*

#### **NEW BUSINESS**

R-17-192 (RESOLUTION NO. 9314 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE NORTH LITTLE ROCK SCHOOL DISTRICT FOR THE EXCHANGE OF REAL PROPERTY; AND FOR OTHER PURPOSES, was

read. A motion to adopt was made by Council Member Ross and seconded by Council Member Robinson. Mayor Smith advised he has been working on this for a while. Three locations were under consideration. The first was where Moose Cleaners is located, however, it was cost prohibitive. After touring the Armory (Fisher's), Mayor Smith met with the General (Arkansas National Guard), who has a 38 year lease remaining on the property with the (North Little Rock) School District. The balance of the lease was appraised at \$800,000.00, however, after discussion, they agreed to \$500,000.00. This could cover the cost of relocating the Army to a different location. The city would also bear the cost of demolition of the Armory and School Administration Building (which is on the same property). The city has proposed to exchange (swap) the Armory and Administration Building property for the North Little Rock Police and Courts Building on Pershing and the Police Administration Building on Main Street. The North Little Rock School Board will address the exchange soon. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Smith said he should have a report (for the council) on the status of this project and issues pertaining to the Fire Department soon.

R-17-193 (RESOLUTION NO. 9315 – COUNCIL MEMBER TAYLOR)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN MODIFICATION TO AGREEMENT WITH AR TRISON GROUP, LLC, AR TRISON FARMS, LLC AND KAYE LYNN TANKERSLEY, INDIVIDUALLY TO EXTEND THE TIME FOR REMOVAL AND CLEANUP OF RECYCLED CONCRETE ON PROPERTY LOCATED AT 12602 FAULKNER LAKE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Taylor and

seconded by Council Member Baxter. Council Member Hight said the council did not approve a permit to put recycled concrete on the property in question. In August the council gave Mrs. Kaye Lynn Tankersley until November 30, 2017, to remove the material. There was also a court date in September. Ms. Fields said there was a plea agreement and a fine of approximately \$8,000.00 was paid. Council Member Hight asked if a permit had been acquired since that time to put concrete on the property. Ms. Fields said the concrete was already on the site previously following the denial of the Special Use. Mrs. Tankersley's company, had a contract with the Arkansas State Highway Department to provide those materials. The council entered into an agreement in August wherein no additional concrete could be recycled, but would be removed. Council Member Hight asked if additional concrete had been added to the site. Council Member Robinson said the agreement was to remove the material by November 30, 2017 and asked why the material was not moved by the deadline. Council Member Taylor said the concrete is being supplied back to the Highway Department. The Interstate 440 project was extended to May or June, 2018. Council Member Taylor said that if the council shuts down the operation, then the I-440 project would also shut down. The material is there and the best way to deal with it is to extend the time (to remove the material) to complete their job. Council Member Hight asked if the concrete from 440 was being brought onto the site. Mrs. Tankersley said the project began with the concrete being brought in and they would then recycle it into a usable product. Due to a misunderstanding, they did not have the proper permit from the state. In August, they came before the council for approval to obtain a permit. They were fined for operating without the permit. They then negotiated an agreement and deadline with the city to finish the project they had already started. They are now requesting an extension to the deadline to be able to supply the Highway Department's Contractor with the Aggregate needed to complete the project. Council Member Hight asked why Mrs. Tankersley did not get a permit. Mrs. Tankersley advised she did apply for a permit, but was missing a Storm Water Permit at the time. They are also developing the property for a future residential subdivision. Mrs. Tankersley said they have tried to do what they were supposed to by having all of the required permits. Ms. Fields said the permit that was before the council in February was a Special Use to use the property for concrete recycling. Therefore, a Special Use was never issued. Mrs. Tankersley said they did receive a Special Use to dig out the lakes for the subdivision, which allowed them to sell the dirt. Council Member Hight said the adjacent property owner contacted him and advised the pile of concrete is significantly larger than it was. Mrs. Tankersley said they are supplying (material) to the entire 440 rehabilitation project. She said when she realized there was an issue, the hauling in of concrete stopped and the crusher was removed.

Council Member White asked about the completion date in the proposed legislation and if there was an issue with that deadline. Mr. Kelly Moore, Kose Construction advised he is the General Contractor on the project on 440. There have been some delays since they acquired the project, including some planning errors from the DOT's (Department of Transportation's) designer. There have also been changer orders that added material to the project. He said they are close to their planned completion date (within the next 30 – 45 days). The last addition was the Fouche Dam Pike Interchange. Mr. Moore said there is no chance that the project will not be done in time. Council Member Robinson said weather could cause an extension and asked how it was determined that another four or five months was needed. Mrs. Tankersley said the reason was due to the addition of the Fouche Dam exits (off and on ramps). Ms. Fields said the original agreement included a fine of \$500.00 per day if they violated any provisions of said agreement. The modification includes a completion date of May 31, 2017, and that all other provisions remain in place. Ms. Elizabeth Caldwell, Attorney for Mrs. Tankersley advised they were concerned about the previous deadline. Council Member Taylor said the pile is there and this has been before the council several times. Council Member Robinson asked how the council will know when the project is done. She then asked what they will need to do to get a business license to proceed. Ms. Whitbey advised someone will need to come in and get a license that will expire on December 31, 2017, and a license in January, 2018, that will expire on the date included in the legislation. Council Member Ross asked how many loads of material are leaving the site daily. Mrs. Tankersley said 30 percent of the pile has been removed, and added this project raised over \$30,000.00 in sales tax revenue. Council Member Ross asked if any other council members had received complaints. Council Member Robinson said the complaint she has received is from a property owner who wants the material gone. Mrs. Tankersley said they have done everything they said they would, including keeping the road watered and the street clean and certain hours of operation. Council Member Hight said he and a North Little Rock Planning Commissioner went by the property recently and it appears the pile has increased. The property owner he spoke with indicated the same. The council has to let them remove the material, however, they should not add to it. Mayor Smith advised that if any concrete is seen going into the property, the city will shut down the business. Mrs. Tankersley said they have a site in the county for future operations. Council Member Taylor asked if a property owner could pile up concrete on their personal property if they were not selling it or using it for a business. Mayor Smith said it could violate outdoor storage codes. Council Member Harris said the subcontractor wants the job done. Council Member Taylor said the council should to allow ample time to get the job done. Mrs. Tankersley suggested extending the date until the concrete is gone. On the previous motion, and by consent of all members present, with the exception of Council Members Ross and White, who voted no, the resolution was adopted (6/2).

R-17-194 (RESOLUTION NO. 9316 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF INTENT WITH THE NORTH LITTLE ROCK DOWNTOWN DEVELOPMENT BOARD AND FIRST ORION CORPORATION FOR THE PURCHASE AND SALE OF REAL PROPERTY ADJACENT TO THE PROPOSED DOWNTOWN PLAZA; AND

FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Witcher and seconded by Council Member Hight. Council Member Ross asked about the dollar amount. Mayor Smith said he is waiting for the architect and engineers to provide the footprint of First Orion. The city is paying a certain amount for the property. On the previous motion, and by consent of all members, the resolution was unanimously adopted (8/0).

R-17-195 (RESOLUTION NO. 9317 – MAYOR SMITH)

A RESOLUTION ENDORSING MEMORANDUM OF INTENT FOR THE PURCHASE AND SALE OF REAL PROPERTY BETWEEN THE NORTH LITTLE ROCK DOWNTOWN DEVELOPMENT BOARD AND MILL, LLC; 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).

R-17-196 (RESOLUTION NO. 9318 – MAYOR SMITH)

A RESOLUTION APPROVING CONVEYANCE OF CERTAIN PROPERTY LOCATED IN THE COUNTRY CLUB OF ARKANSAS DEVELOPMENT IN EXCHANGE FOR GRANTING A UTILITY EASEMENT FOR THE NORTH LITTLE ROCK WASTEWATER UTILITY; 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 unanimously adopted (8/0).

R-17-197 (RESOLUTION NO. 9319 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 713 ROSE LANE 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 Council Member Taylor and seconded by Council Member 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 unanimously adopted (8/0). (*owner: EverBank*)

R-17-198 (RESOLUTION NO. 9320 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 701 ½ WEST 35<sup>TH</sup> 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 Council Member Robinson and seconded by Council Member 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 unanimously adopted (8/0). (*owner: Rick Brown Lee Revocable Trust Number One*)

R-17-199 (RESOLUTION NO. 9321 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1921 ½ 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 Council Member Ross and seconded by Council Member 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 unanimously adopted (8/0). (*owner: Benjamin A. Needham*)

R-17-200 (RESOLUTION NO. 9322 – 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 4515 ORANGE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Ross and seconded by Council Member Taylor. Mayor Smith convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the pervious motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (*amount - \$3,570.70*)

R-17-201 (RESOLUTION NO. 9323 – 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 807 GREENLEA DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Robinson and seconded by Council Member 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 unanimously adopted (8/0).

R-17-202 (RESOLUTION NO. 9324 – 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 unanimously adopted (8/0).

O-17-91 (ORDINANCE NO. 8961 – MAYOR SMITH)

AN ORDINANCE AMENDING THE RETIREMENT SYSTEM OF THE CITY OF NORTH LITTLE ROCK REGARDING ACTUARIAL EQUIVALENT, YEARS OF CREDITED SERVICE, ELIGIBILITY REQUIREMENTS, MEMBER CONTRIBUTIONS AND VESTING UPON REEMPLOYMENT; DECLARING AN EMERGENCY; 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 readings were suspended (8/0). A motion to adopt was made by Council Member Taylor and seconded by Council Member Robinson. Mrs. Karen Scott, Finance Director advised the Actuarial Study recommended a funding amount of about 19%. Currently, the city contributes 9% and employees contribute 4% for a total of 13%. The city's Non-Uniformed Pension Board voted to recommend the city's contribution increase by 1% to a total of 10% and Non-Uniformed Full-time employee contributions increase by 1% to a total of 5%. All employee contributions will become pre-tax. Council Member Ross asked if the Years of Credited Service had changed. Mrs. Scott said the language had to be clarified for partial months. On the previous motion, 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).

O-17-92 (ORDINANCE NO. 8962 – MAYOR SMITH)

AN ORDINANCE DECLARING A CERTAIN CITY-OWNED STREET DEPARTMENT COLD-MILLING MACHINE AS SURPLUS; WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING THE ACQUISITION OF A HYDRAULIC EXCAVATOR FOR THE NORTH LITTLE ROCK STREET DEPARTMENT IN EXCHANGE FOR THE SURPLUS MILLING MACHINE; DECLARING AN EMERGENCY; 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 readings were suspended (8/0). On the motion of Council Member Baxter and seconded by Council Members Ross, 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).

O-17-93 (ORDINANCE NO. 8963 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE ACCEPTING STREETS AND DRAINAGE FACILITIES WITHIN PHASE 7 OF FAULKNER CROSSING 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). A motion to adopt was made by Council Member Robinson and was seconded by Council Member Taylor. Mayor Smith asked if City Engineer Chris Wilbourn had agreed to this and was advised he had. Council Member Taylor asked if the easement issues/agreements were resolved with the owner on this item and the next one. Mr. Wilbourn advised they were. Council

Member Ross referenced the attached bond for 50% of the total (value) and asked if that was normal. Mr. Wilbourn advised it was. On the previous motion, 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). *(requested by Brad Peterson, P.E., CFM, Crafton Tull)*

O-17-94 (ORDINANCE NO. 8964 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE ACCEPTING STREETS AND DRAINAGE FACILITIES WITHIN PHASE 8 OF FAULKNER CROSSING IN THE CITY OF NORTH LITTLE ROCK; 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. On the motion of Council Member Taylor and seconded by Council Member Robinson, 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). *(requested by Brad Peterson, P.E., CFM, Crafton Tull)*

**PUBLIC COMMENT**

No one signed in to speak during public comment. Mayor Smith said the council will vote on the (2018) Budget at its next meeting. He advised he and Finance Director Scott had changed it slightly to add \$100,000.00 for the Interstate 30 upgrade. The city could spend up to \$300,000.00 over the next few years. With that said, his goal is to put \$100,000.00 into a reserve account over the next three years. An Executive Summary will be provided to council members prior to the meeting. Council Members were encouraged to contact Mrs. Scott if they had any questions. Council Member Ross said the Annual North Little Rock City, Sertoma and Convention and Visitors Bureau parade will be Sunday, December 3, 2017, at 2:00 p.m. The Christmas Tree has been moved from the City Services parking lot at 120 Main Street to the 400 block of Main (across from the Argenta Theatre). The theatre will have a play “*A Christmas Carol*”, which Mayor Smith hopes will be an annual event. There will also be carolers. Council Member Harris represented the city at the National League of Cities (NLC) Conference in Charlotte and brought back lots of information to the city. Mayor Smith advised Little Rock Mayor Mark Stodola is the new President of NLC and the state is proud of him. Ms. Whitbey announced that the State of Arkansas will host the International Institute of Municipal Clerks (IIMC) Conference in 2022 in Little Rock. IIMC has 15,000 members world-wide. Ms. Whitbey said they anticipate 700 – 800 delegates will attend.

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 6:58 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, December 11, 2017, 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