

November 13, 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 13, 2017, 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, RON HARRIS, CHARLIE HIGHT and MURRY WITCHER (8/0). Assistant City Clerk Katelyn Thomas, Deputy City Clerk/Enforcement Shannon Carroll, City Attorney C. Jason Carter and Deputy City Attorney Amy Fields were also present.

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

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, October 23, 2017, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Council Member Taylor and seconded by Council Member Baxter, and by consent of all members present, communication #1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17, were accepted and filed (8/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: Grocery Store Wine – NEW, for Kroger #638, W 44th and Camp Robinson, by Patrick W. Scherrey.
2. Glinda Craigmyle, Mayor's Office memorandum re: Grocery Store Wine – NEW, for Kroger #642, 6929 John F. Kennedy, by Patrick W. Scherrey.
3. Glinda Craigmyle, Mayor's Office memorandum re: Grocery Store Wine – NEW, for Kroger #639, 2509 McCain Boulevard, by Patrick W. Scherrey.
4. Glinda Craigmyle, Mayor's Office memorandum re: Grocery Store Wine – NEW, for Kum & Go #153, 8801 Maumelle Boulevard, by Kyle J. Krause.
5. Glinda Craigmyle, Mayor's Office memorandum re: Grocery Store Wine – NEW, for Kum & Go #144, 5216 John F. Kennedy, by Kyle J. Krause.
6. Glinda Craigmyle, Mayor's Office memorandum re: Grocery Store Wine – NEW, for 3220 Spring Hill Drive, by Kyle J. Krause.
7. Glinda Craigmyle, Mayor's Office memorandum re: Grocery Store Wine – NEW, for 3801 Camp Robinson, by Don Proffit.
8. Glinda Craigmyle, Mayor's Office memorandum re: Restaurant Mixed Drink – Change of Manager from Stephanie Roberts, 4333 No. Warden Road, by Jonathan Witte.

9. Glinda Craigmyle, Mayor's Office memorandum re: Restaurant Mixed Drink – Replacement from Bill Yeates, for My Friends Place, 5501 MacArthur Drive, by Terry Harris.
10. Glinda Craigmyle, Mayor's Office memorandum re: Grocery Store Wine – NEW for Wal-Mart Supercenter #4460, 12001 Maumelle Boulevard, by Nicholas T. Tumblin.
11. Glinda Craigmyle, Mayor's Office memorandum re: Retail Beer off Premises & Small Farm Wine – Change of Manager from Nicholas Tumblin, for Wal-Mart Supercenter #4460, 120001 Maumelle Boulevard, by Nicholas T. Tumblin.
12. Glinda Craigmyle, Mayor's Office memorandum re: Grocery Store Wine – NEW for Wal-Mart Supercenter #1105, 4405 E. McCain Boulevard, by Ian K. Bardo.
13. Jimmy Cannon, Petition requesting Speed Hump on Northbrook Drive, (6 *signatures for*).
14. Karen Scott, Finance Director, Chairman Energy Risk Management Committee memorandum re: Energy Cost Recovery Rider Adjustment Factor for November, 2017 (.0019 [positive]).
15. Charlotte Thomas, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from Helen Wyrick* for Gigi's Soul Café & Lounge, 10840 Maumelle Boulevard, by Bryan Silva.
16. C. Jason Carter, City Attorney, letter to City Council members re: Retirement effective November 17, 2017.
17. Email Statement from Mayor Joe A. Smith on Jason Carter leaving as NLR (North Little Rock) City Attorney and recommending Amy Fields as acting City Attorney.

Mayor Smith invited Ms. Margaret Boyd-Owens with Shorter College to speak. Ms. Owens is the Chairman of the Entrepreneur Studies Department at Shorter College. She brought students to attend and observe the City Council meeting as done in the past, to see the logistics of conducting business. Each of the 5 students were introduced to the City Council. The Students are either in the process, or have already established their own businesses.

### **UNFINISHED BUSINESS**

*None.*

### **CONSENT AGENDA**

*None.*

### **NEW BUSINESS**

R-17-185 (RESOLUTION NO. 9307 – COUNCIL MEMBER WHITE)

A RESOLUTION ACCEPTING A LICENSE AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A COMMUNITY GARDEN LICENSE AGREEMENT WITH NORTH LITTLE ROCK SCHOOL DISTRICT FOR PIKE VIEW EARLY CHILDHOOD; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the resolution was adopted (8/0).

R-17-186 (RESOLUTION NO. 9308 – 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 Council Member Robinson and seconded by Council Member Harris, and by consent of all members present, the resolution was adopted (8/0). Mayor Smith said the program is something the City started three (3) years ago. He thanked Council Member Ross for her involvement in which she recommended the City initially start the process. Mary Beth Bowman, Commerce Director, stated by the end of the year (2017) there will be half-a-million dollars (\$500,000.00) worth of items sold over three (3) years. There have been over 400 auctions. Some auctions had around thirty (30) to forty (40) items. There are more items to be sold at this time. Mayor Smith said in the past, the City averaged around sixty-thousand dollars (\$60,000.00) for one auction a year. Council Member Ross said that a good thing was that the City wasn't storing the items for long periods of time or needing the man-power for the auctions anymore. Ms. Bowman said they are clearing out ten (10) years' worth of items from the storage building and providing space.

R-17-187 (RESOLUTION NO. 9309 – MAYOR SMITH)

A RESOLUTION ENDORSING PURCHASE AND SALE AGREEMENT FOR 600 MAIN BUILDING HORIZONTAL PROPERTY REGIME; AND FOR OTHER PURPOSES, was read.

Council Member Ross asked why Advertising and Promotion was listed as the leasee, even though they pay 1/3. Amy Fields, Deputy City Attorney, stated Advertising and Promotion's 1/3 portion will be paid in rent. The Downtown Development Board owns the property and will construct the building. Advertising and Promotion will have a long term lease to purchase once the indebtedness is paid off. They will own their floor of the building at that time. Ms. Fields stated the reasoning behind it is that Advertising and Promotion does not have the ability to borrow the money, but the Downtown Development Board does. She also said there was a mistake within the legislation that needed to be amended by the City Council. A motion to amend was made by Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the resolution was amended (8/0). A motion to adopt was made by Council Member Witcher and seconded by Council Member Hight, and by consent of all members present, the resolution was adopted (8/0).

R-17-188 (RESOLUTION NO. 9310 – MAYOR SMITH)

A RESOLUTION APPROPRIATING FUNDS FOR THE CONSTRUCTION OF THE DOWNTOWN PLAZA; 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 that Mayor Smith explain the funding for the Downtown Plaza. Mayor Smith said the money from the new tax ordinance will not be collected until March 2018. The funds for the Plaza have been saved over the past five (5) years. The City has been conservative of the Capital fund money the last three (3) years. Since the McCain overpass is completed and the City no longer needs to save for that project, there are funds within that account to use. Mayor Smith stated there was an announcement earlier that day that Orion was moving their headquarters downtown to the East side of the Plaza. The methods the City has put

into place have brought jobs. Council Member Ross stated there is still unsold property and asked if the funds from those sales could still be used towards the Plaza. Mayor Smith said yes. He stated there is a chance that the City might be under budget by the end. There is half-a-million \$(500,000.00) contingency on the property. Council Member Ross asked if it was capital fund money and if any of it could be used on salaries. Mayor Smith confirmed it could not be used for salaries. On the previous motion, and by consent of all members present, the resolution was adopted (8/0).

R-17-189 (RESOLUTION NO. 9311 – MAYOR SMITH)

A RESOLUTION APPOINTING AMY FIELDS TO THE OFFICE OF NORTH LITTLE ROCK CITY ATTORNEY; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was adopted (8/0). Mayor Smith thanked Amy Fields for agreeing to serve.

R-17-190 (RESOLUTION NO. 9312 – 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 801 CURTIS SYKES DRIVE (A/K/A 1506 N. VINE STREET) 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. 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 (8/0).

R-17-191 (RESOLUTION NO. 9313 – 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 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 (8/0).

O-17-85 (ORDINANCE NO. 8955 – MAYOR SMITH)

AN ORDINANCE AMENDING ORDINANCE NO. 8950 TO REDUCE THE INCREASE TO THE NORTH LITTLE ROCK ADVERTISING AND PROMOTION LODGING TAX ONE-HALF PERCENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend readings was made by Council Member Taylor and seconded by Council Member Robinson. Council Member Hight asked if he could vote yes. He previously had to abstain due to conflict of interest with his employer. City Attorney, C. Jason Carter, explained if the action is occurring, does

Council Member Hight have an interest that could be adversely effected. Council Member Hight said the concern is no longer there. Mr. Carter stated at that point, he could vote. Mayor Smith said he did not see a conflict. On the previous motion, and by consent of all members present, the readings were suspended (8/0). Council Members Ross, Taylor and Hight were added as Co-sponsors. Mr. Carter stated there was an amendment to the Ordinance. The total of three (3%) percent within the clause should state four (4%) percent. A motion to amend was made by Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, the Ordinance was amended (8/0). A motion to adopt was made by Council Member Hight and seconded by Council Member Harris, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was adopted (8/0). Emergency Clause Adopted (8/0).

O-17-86 (ORDINANCE NO. 8956 – MAYOR SMITH)

AN ORDINANCE DEFINING ECONOMIC DEVELOPMENT SERVICES TO BE PROFESSIONAL SERVICES UNDER ARKANSAS LAW; REPEALING ORDINANCE NO. 8756; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend all readings was made by Council Member Robinson and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended. Mr. Carter stated the City was in a lawsuit with the City of Little Rock over economic development until the voters of Arkansas approved an amendment endorsing programs for economic development. The legislator met and enacted statutes that regulate economic development services and economical projects. The City previously defined economic development consultant, but that did not clearly match the statute enacted as of August 2017. The City is changing our definition to match the States definition. Council Member Ross asked if the City sent out an RFQ for economic development services, would they be brought to Council. Mayor Smith said they can. Mr. Carter said the City would follow the same procedure as before. Each individual project will be brought before Council. Council Member Harris asked for an example of economic development. Mr. Carter said the definition within the statute was planning, marketing, strategic marketing regarding the project to be accomplished. Job recruitment, job development, job retention, job expansion were also referenced. Council Member Ross said most of the items are within a quarterly report to the City Council on what they are doing. She asked if the City has a list of what they want in regards to economic development. Mr. Carter said a quarterly report is required and has been looking into reasonable metrics to determine what the City is trying to achieve. He recommended having a plan and putting it to use to determine what is or what isn't working. A motion to adopt was made by 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 (8/0). Emergency Clause Adopted (8/0).

O-17-87 (ORDINANCE NO. 8957 – MAYOR SMITH)

AN ORDINANCE REVISING AND ADJUSTING NORTH LITTLE ROCK ELECTRIC DEPARTMENT SERVICE SCHEDULE RATES FOR MUNICIPAL STREET LIGHTING (L1) AND ALL NIGHT OUTDOOR LIGHTING (L4); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mr. Carter said there are new LED lights and that the City is trying to

migrate towards using all LED. It is not a rate that effects any other rates. Council Member Ross asked why the City didn't reduce the rate by three (3%) percent instead. Mr. Carter said those standards were put in a long time ago. The City tries to follow the same procedure as predictively as possible. If there was a holistic rate change the City Council could clean it up. Mr. Carter recommended that the City Council follow a holistic approach until that time. A motion to suspend all readings was made by Council Member Taylor and seconded by Council Member Robinson, 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 Ross, and all members present, having voted in the affirmative, the ordinance was adopted (8/0). Emergency Clause Adopted (8/0).

O-17-88 (ORDINANCE NO. 8958 – COUNCIL MEMBER WITCHER)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TIRE SHOP IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5021 WARDEN ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend all readings was made by Council Member Taylor and

seconded by Council Member White, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Council Member Witcher and seconded by Council Member Taylor, and all members present, having voted in the affirmative, the ordinance was adopted (8/0). Emergency Clause Adopted (8/0).

O-17-89 (ORDINANCE NO. 8959 – COUNCIL MEMBERS ROSS AND WHITE)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A PARKING LOT IN AN R-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2013 SCHAER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend all readings was made by Council Member Ross and

seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Council Member Ross and seconded by Council Member Taylor. Council Member Ross invited Luke Mattingly, President and CEO of Carelink, to speak. The property was formerly Gloryland Baptist Church that was removed and cleaned up. Mr. Mattingly stated they requested the parking lot to prepare for a 7,800 square foot building without taking someone else's parking space. The addition of Carelink will provide 40-50 new jobs in North Little Rock over the course of four (4) years). On the previous motion, and all members present, having voted in the affirmative, the ordinance was adopted (8/0). Emergency Clause Adopted (8/0).

O-17-90 (ORDINANCE NO. 8960 – COUNCIL MEMBER BAXTER)

AN ORDINANCE VACATING AND ABANDONING A CERTAIN SEWER UTILITY EASEMENT LOCATED ON LOT 3, COCK OF THE WALK SUBDIVISION TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend all readings was made by Council Member Baxter and

seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by 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 (8/0).

**PUBLIC COMMENT**

Mr. James Ard thanked Ben E. Keith for food provided at an event on Veteran’s Day. He said there are Handicap spots that are not marked within the City. There are people who are parking within them without proper identification. Council Member Taylor thanked Jason Carter for his service to the City. Council Member Hight commended Danny Dillon at the Traffic Department for his prompt attention on requests. 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 6:36 p.m. (8/0), until the next regularly scheduled meeting which will be held on Monday, November 27, 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