

December 22, 2014  
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, December 22, 2014, 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, MAURICE TAYLOR, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (6/0). Alderwomen BETH WHITE and LINDA ROBINSON were absent. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The invocation and pledge of allegiance were led by Alderwoman Ross.

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 meeting scheduled for Monday, December 8, 2014, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the blanket motion of Alderwoman Ross and seconded by Alderman Hight and by consent of all members present communications #1, 2, 3, 4, 5, 6, 8, 9, and 11 were accepted and filed (6/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises & Small Farm Wine - NEW* for Parkhill Exxon, 3320 John F. Kennedy Boulevard, by Jimmy R. Crossfield.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink - Replacement from Jeananne Hawking*, for Bogie's Nightclub at Holiday Inn North, 120 West Pershing Boulevard, by Jason C. Cook.
3. Glinda Craigmyle, Mayor's Office memorandum re: *Wholesale Liquor - Transfer of Location from 1001 LaHarpe Boulevard*, for De Nux Distributors, LLC, 701 North Broadway, by Alexia L. Elichiry.
4. Karen Scott, Finance Director, Chairman Energy Risk Management Committee memorandum re: ECR Adjustment Factor December 2014 - \$.-0033/kwh (CREDIT).
5. C. Jason Carter, City Attorney Opinion No. 14-01 - Report and Recommendations regarding Nevada Railroad Materials, Inc. (NLR Resolution No. 8645)
6. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink - NEW* for Chuys, 5105 Warden Road, by Brent T. Schleuse.
8. Glinda Craigmyle, Mayor's Office memorandum re: *Small Farm Wine - NEW* for Lakewood Exxon, 2501 McCain Boulevard, by Vanessa Crossfield.
9. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises & Small Farm Wine - NEW* for MAPCO #7328, 2401 John F. Kennedy Boulevard, by Steven M. Bruno.

11. Ken Sullivan, Lakewood Property Owner's Association, letter from Alan C. King, Consultant to Chuck Hicks, Chairman LPOE District #4 re: proposed Assessment of Benefits through 2019.

On the motion of Alderman Baxter and seconded by Alderwoman Ross, and by consent of all members present, communication #7 was read, accepted and filed (6/0).

7. C. Jason Carter, City Attorney/Interim General Manager, North Little Rock Electric Department letter to City Council members re: SERC Audit.

Alderman Baxter commended the Electric Department for their efforts.

On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, communication #10 was read, accepted and filed (6/0).

10. Fredonia Grisson Williams, Christian Education Director - Holly Grove AME Church letter to Mayor Smith re: commending city employee Charlotte Thomas for her work and assistance.

Mrs. Thomas has been with the city 40 years. Alderman Hight said she has made his job a lot easier and commended her for her efforts.

Mayor Smith invited City Treasurer Mary Ruth Morgan to come forward. He advised she will retire at the end of the year. He commended her for her service as City Treasurer and as a longtime Civics teacher in the North Little Rock School District. Mrs. Morgan worked with seven Mayors during her tenure. Mayor Smith then presented her with a gift from the City of North Little Rock and told her the gift contained purple items. City Clerk and Collector Diane Whitbey presented Mrs. Morgan with a gift from the Arkansas City Clerks, Records and Treasurers Association recognizing her 40 years of service as City Treasurer. Mrs. Sandra Taylor-Smith, and Suzanne Jackson, North Little Rock History Commission presented Mrs. Morgan with a certificate recognizing her service. Treasurer Morgan said she has been very fortunate in her life. She was born at a house on the riverbank. She never imagined she would be able to teach what she loved. In the 1940's she was told women could do what they wanted to do and be involved in government. Mrs. Morgan then introduced her family members: son Richard and daughter-in-law Lynn, husband and companion Buddy and best friend Patsy Robertson. Retirement will be different, but she will still be around.

Mayor Smith invited Mr. J. Fletcher Hanson to come forward to come forward and provide a presentation regarding R-14-257 (Smarthouse Way Property). Mr. Hanson said they are involved in more than real estate, including investment banking and real estate brokerage in several states. He said their project will energize the riverfront. Alderman Foutch asked the assessed value of the property. Mayor Smith said it appraised several years ago at \$13.00 a foot. This offer is \$2.5 million. The property has been on the market for seven years.

Without objection, Mayor Smith convened a public hearing regarding O-14-108, an ordinance granting a conditional use to allow a columbarium garden in an R-3 zone for property at 1922 Topf. The

ordinance was then read (see below). There being no one present wishing to be heard, the public hearing was adjourned. The legislation was then called.

O-14-108 (ORDINANCE NO. 8696 - ALDERMEN ROSS, WHITE, TAYLOR AND HIGHT)  
AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A COLUMBARIUM GARDEN IN AN R-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1922 TOPF ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Foutch, 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 Alderwoman Ross and seconded by Alderman Witcher, 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). The ordinance was read a third and final time. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Witcher. Alderwoman Ross thanked Lakewood United Methodist Church for the information they provided. This is new in a residential neighborhood and the information provided will be useful in the future. 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: Lakewood United Methodist Church*)

Mayor Smith announced citizen public comment on agenda items. Mrs. Lisa Ferrell spoke in support of R-14-257 (Smarthouse Way Property proposal).

Without objection, R-14-257 was called.

R-14-257 (RESOLUTION NO. 8714 - MAYOR SMITH)  
A RESOLUTION APPROVING AN AGREEMENT BETWEEN THE NORTH LITTLE ROCK PUBLIC BUILDING AUTHORITY AND H3RE, LLC FOR THE SALE OF PROPERTY LOCATED ON 632 WEST RIVERFRONT DRIVE IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PUROSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted (6/0).

### **UNFINISHED BUSINESS**

R-14-240 (RESOLUTION NO. 8715 - MAYOR SMITH)  
A RESOLUTION APPROVING AND ADOPTING A FIVE YEAR CAPITAL AND RESERVE PLAN FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Baxter. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the resolution was amended as follows: *attach Exhibit "A" provided this date* (6/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted (6/0). Mayor Smith said this is a professional way to run the company and commended Mr. Carter and his staff for the efforts.

R-14-249 (RESOLUTION NO. 8716 - MAYOR SMITH)

A RESOLUTION ADOPTING A BUDGET FOR THE 2015 FISCAL YEAR FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Alderwoman Ross asked about the \$500,000.00 appropriated for the Ben E. Keith project. Mr. Carter said a \$1.2 million Economic Development Grant will go towards providing virtually uninterrupted service. The city's match is \$500,000.00. The generators will belong to the city and can be used to curtail use on the city's (power) system. They can also be used to reduce the cost of power. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and by consent of all members present, the resolution was amended as follows: *attach substituted Exhibits "A" and "B" provided this date (6/0)*. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted as amended (6/0).

O-14-107

AN ORDINANCE AMENDING ARTICLE II, DIVISION 2 OF NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 6 (ALCOHOLIC BEVERAGES) REGARDING TAXES AND FEES ASSESSED FOR SALE OF ON-PREMISES CONSUMPTION OF ALCOHOL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsor, Mayor Smith. Ms. Whitbey advised the legislation will be refiled in January.

### **CONSENT AGENDA**

On the motion of Alderman Taylor and seconded by Alderman Foutch, and all members present having voted "aye", consent items R-14-252, R-14-253, R-14-254 and R-14-255 were adopted (6/0).

R-14-252 (RESOLUTION NO. 8717 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT AGREEMENT BETWEEN UNION PACIFIC RAILROAD COMPANY AND THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was adopted (6/0).

R-14-253 (RESOLUTION NO. 8718 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE NORTH LITTLE ROCK FIRE CHIEF TO ENTER INTO AN AFFILIATION AGREEMENT WITH BAPTIST HEALTH SYSTEM FOR AN EMT-BASIC EDUCATION PROGRAM FOR FIREFIGHTERS; AND FOR OTHER PURPOSES, was adopted (6/0).

R-14-254 (RESOLUTION NO. 8719 - MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN EASEMENT FROM THE CITY OF NORTH LITTLE ROCK TO MAGELLAN MIDSTREAM PARTNERS, L.P. TO ALLOW CONSTRUCTION OF A GASOLINE PIPELINE; AND FOR OTHER PURPOSES, was adopted (6/0).

R-14-255 (RESOLUTION NO. 8720 - MAYOR SMITH)

A RESOLUTION ACCEPTING THE PROPOSAL OF BS&A FOR ACCOUNTING SOFTWARE FOR THE CITY OF NORTH LITTLE ROCK; AUTHORIZING EXECUTION OF LICENSING AND SUPPORT AGREEMENTS FOR THE SOFTWARE; AND FOR OTHER PURPOSES, was adopted (6/0).

**NEW BUSINESS**

R-14-256 (RESOLUTION NO. 8721 - MAYOR SMITH)

A RESOLUTION APPROVING AN INCREASE IN SALARY FOR THE CITY CLERK - TREASURER OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Baxter. Alderman Hight asked if legislation was needed to combine the positions (City Clerk and Collector and City Treasurer). Ms. Whitbey advised it was adopted early this year. Alderwoman Ross said the Clerk's office has picked up a lot of additional duties regarding collections and if something was being done for the (other) employees in the clerk's office. Mayor Smith said the Treasurer's salary is \$5,000.00. The proposal is to give the City Clerk \$3,000.00, \$1,000.00 to the Assistant City Clerk and \$500.00 each to the Deputy City Clerk and Office Assistant. Alderwoman Ross asked if the job descriptions were being revised with the additional duties which have included on site collections. Ms. Whitbey has requested Human Resources revise the job descriptions in the City Clerk and Collector's Office. Alderwoman Ross asked how soon the job descriptions could be revised. On the previous motion, and by consent of all members present, the resolution was adopted (6/0).

R-14-257 *was called earlier in meeting.*

R-14-258 (RESOLUTION NO. 8722 - 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 1109 WEST 20TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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). (*amount - \$3,890.49*)

R-14-259 (RESOLUTION NO. 8723 - 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 104 DAVIS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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). (*amount - \$3,283.53*)

R-14-260 (RESOLUTION NO. 8724 - 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 4244 BAUCUM PIKE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS;

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 (6/0). (*amount - \$3,025.04*)

R-14-261 (RESOLUTION NO. 8725 - 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 #8 RHODES AVENUE 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 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 - \$1,963.38*)

R-14-262 (RESOLUTION NO. 8726 - 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 3414 PARKER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS;

AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher 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 (6/0). On the previous motion, and by consent of all members present, the resolution was adopted (6/0). (*amount - \$1,961.49*)

R-14-263 (RESOLUTION NO. 8727 - MAYOR SMITH)

A RESOLUTION APPROVING AMOUNTS OF LIENS TO BE CERTIFIED TO 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 Taylor and seconded by Alderman Foutch. 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).

R-14-264 (RESOLUTION NO. 8728 - MAYOR SMITH)

A RESOLUTION APPROPRIATING \$11,500.00 TO THE 2014 BUDGET FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT FOR REPLACEMENT OF THE ENGINE IN A RESCUE TRUCK; 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 resolution was adopted (6/0).

O-14-109 (ORDINANCE NO. 8697 - MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS TO UPGRADE CURRENT SOFTWARE FOR THE NORTH LITTLE ROCK ELECTRIC AND UTILITIES ACCOUNTING DEPARTMENTS TO NORTHSTAR VERSION 6.4; AUTHORIZING THE MAYOR OR HIS DESIGNEE TO ACCEPT THE STATEMENT OF WORK OF NORTHSTAR UTILITIES SOLUTIONS; 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 Alderwoman Ross 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). The ordinance was read a third and final time. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Ross. Alderman Witcher asked if the city was currently using Northstar. Mrs. Karen Scott, Finance Director said Northstar is the current provider. Alderman Foutch asked if this will be compatible with the new website. Mrs. Scott said it would. This upgrade provides many more options. Mayor Smith said the last time the city had new (accounting) software was in 1999. 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). (\$69,187.00)

O-14-110 (ORDINANCE NO. 8698 - MAYOR SMITH)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING THE MAYOR, OR HIS DESIGNEE, TO ENTER INTO AN AGREEMENT WITH NORTHSTAR UTILITIES SOLUTIONS FOR A UTILIZATIO REVIEW AND ASSESSMENT OF CURRENT BUSINESS PROCESSES OF THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the readings were suspended (6/0). 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 (6/0). Emergency clause adopted (6/0). (\$17,710.00 - North Little Rock Electric Department 2014 Budget)

O-14-111 (ORDINANCE NO. 8699 - ALDERMEN BAXTER, FOUTCH, ROSS, WHITE, TAYLOR, ROBINSON, HIGHT, WITCHER AND MAYOR SMITH)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 2000 FORT ROOTS DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM O-1 TO R-4 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the readings were suspended (6/0). The ordinance was read a third and final time. Without objection, the remaining council members and Mayor Smith were added as cosponsors. On the motion of Alderman Hight and seconded by Alderman Baxter, 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).

**PUBLIC COMMENT**

Mayor Smith said Remount Road is scheduled to reopen tomorrow afternoon (December 23, 2014). Mayor Smith said the bridge was dangerous and has now been replaced. He thanked the public for their patience. On behalf of the City Council and all City Employees, Mayor Smith wished everyone a Merry Christmas and Happy Holiday Season. Alderman Witcher invited the public to a Swearing In Ceremony to be held on Thursday, January 1, 2015, at 10:00 a.m. at City Hall.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 6:43 p.m. (6/0), until the next regularly scheduled meeting which will be held on Monday, January 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