

January 8, 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 Monday, January 8, 2018, was called to order at 5:59 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). City Clerk Diane Whitbey, Deputy City Clerk/Enforcement Officer Shannon Carroll and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance were 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 and a Special Call meeting held on Wednesday, December 27, 2017, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, communications #1, 2, 3, 5, 6, 7, and 8, were not read, but were accepted and filed (8/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *application for Grocery Store Wine – NEW* for Corner Store #1795, 9723 Maumelle Boulevard, by Randy Horne.
2. Glinda Craigmyle, Mayor's Office memorandum re: *application for Grocery Store Wine – NEW* for Corner Store #1787, 9600 Hwy 165 East, by Randy Horne.
3. Karen Scott, Finance Director/Chair Energy Risk Management Committee re: ECR Adjustment Factor January, 2018 (.0030[positive]).
5. Glinda Craigmyle, Mayor's Office memorandum re: *Native Beer & Malt Beverages, Microbrewery Restaurant & Restaurant Mixed Drink – Change of Manager from Bruce Webb, Jr., for BJ's* Restaurant and Brewhouse, 3941 McCain Boulevard, by Brandi J. Nix.
6. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Replacement from Shama Khimani*, for Arena Exxon fka KZ Fuel, LLC, 418 E. Broadway, by Shirin Ali.
7. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Change of Manager from Rajwinder Kaur*, for Super Stop Arena, 623 Cypress, by Baljinder Singh.
8. James Bray, General Manager, North Little Rock Electric Department letter to Mayor Joe A. Smith, re: retirement effective May 29, 2018.

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On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, communication #4 was read by title only, accepted and filed (8/0).

4. Amy Beckman Fields, City Attorney memorandum to City Council Members re: Simplified Procedural Rules of City Council.

Council Member Ross said "Alderman" needed to be changed to "Council Member" throughout the attachment. On page 2, column 2 under Sponsors, members other than a sponsor or cosponsor need to be able to call legislation (for a sponsor or cosponsor) in the event the sponsor (or cosponsors) is not present. Council Member Taylor said the council already does this. City Attorney Fields can prepare legislation for clarification.

UNFINISHED BUSINESS

None.

CONSENT AGENDA

On the motion of Council Member Witcher and seconded by Council Member Hight and all members present having voted "aye" consent items R-18-01, R-18-02, and R-18-03, were adopted (8/0).

R-18-01 (RESOLUTION NO. 9339 – MAYOR SMITH)

A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF SOWELL MANAGEMENT SERVICES TO PARTICIPATE IN THE TAX BACK PROGRAM AS AUTHORIZED BY SECTION 15-4-2706(D) OF THE CONSOLIDATED INCENTIVE ACT OF 2003; FOR OTHER PURPOSES, was unanimously adopted (8/0).

R-18-02 (RESOLUTION NO. 9340 – MAYOR SMITH)

A RESOLUTION CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF SAFE FOODS CORPORATION TO PARTICIPATE IN THE TAX BACK PROGRAM AS AUTHORIZED BY SECTION 15-4-2706(D) OF THE CONSOLIDATED INCENTIVE ACT OF 2003; AND FOR OTHER PURPOSES, was unanimously adopted (8/0).

R-18-03 (RESOLUTION NO. 9341 – MAYOR SMITH)

A RESOLUTION APPROVING AND RATIFYING ENGAGING IN LITIGATION AS A MEMBER OF THE MUNICIPAL LEGAL DEFENSE PROGRAM ("MLDP") AGAINST THE ENTITIES AND PEOPLE RESPONSIBLE FOR THE OPIOID EPIDEMIC IN THE UNITED STATES OF AMERICA AND THE STATE OF ARKANSAS; AND FOR OTHER PURPOSES, was unanimously adopted (8/0).

NEW BUSINESS

R-18-04 (RESOLUTION NO. 9342 – MAYOR SMITH)

A RESOLUTION ADOPTING UPDATED SALARY SCALES FOR NORTH LITTLE ROCK POLICE DEPARTMENT OFFICERS AND SUPERVISORS; AND FOR OTHER PURPOSES, was

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read. A motion to adopt was made by Council Member Ross and seconded by Council Member Taylor. On the motion of Council Member Ross and seconded by Council Members Taylor, the resolution was amended as follows:: *substitute revised schedule – Exhibit “A”* (8/0). Mayor Smith said this has been in the works for several years. The fire department salary scale was revised a couple of years ago. On the motion of Council Member Baxter and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-18-05 (RESOLUTION NO. 9343 – MAYOR SMITH)

A RESOLUTION ACCEPTING OWNERSHIP AND RESPONSIBILITY OF THE SECTION 1 SEGMENT OF HIGHWAY 100 LOCATED IN THE CITY OF NORTH LITTLE ROCK,

ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Hight and seconded by Council Member Taylor. Mayor Smith said the (Arkansas State) Highway Department asked the city to take over ownership of Riverfront Drive from the Roundabout to Broadway. The city has multiple developments underway in the area. This (request) has been approved by the (State) Highway Commission. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-18-06 (RESOLUTION NO. 9344 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A CORRECTION EASEMENT FROM THE PFEIFER FAMILY LIMITED PARTNERSHIP #1 TO THE CITY OF NORTH LITTLE ROCK FOR THE USE AND BENEFIT OF NORTH LITTLE

ROCK WASTEWATER TREATMENT COMMITTEE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher and seconded by Council Member White, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-18-01 (ORDINANCE NO. 8975 – MAYOR SMITH)

AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES’ POLICY AND PROCEDURE MANUAL REGARDING FILLING VACANCIES OF NON-UNIFORMED POSITIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the

motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (8/0). Human Resources Director Betty Anderson advised the policy needs to be updated due to the recent (Arkansas) Medical Marijuana Law. The city has to ensure that safety sensitive positions are excluded, and referenced those that were highlighted. Council Member Robinson asked if a person in one of these positions had a prescription for medical marijuana, and tested positive for the drug, would they lose their job or be relocated to another position. Ms. Fields advised the employee would be terminated for violation of the drug policy. It is against policy for anyone in a safety/security type position to test positive for marijuana or any other prohibited drug. Ms. Anderson said this change is to comply with Federal Law and covers all drugs. Council Member Robinson asked about opioids, which Ms. Anderson said would be addressed in the next policy (revision). On the motion of Council member Taylor and seconded by Council Member

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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-18-02 (ORDINANCE NO. 8976 – MAYOR SMITH)

AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES' POLICY AND PROCEDURE MANUAL REGARDING U.S. DEPARTMENT OF TRANSPORTATION DRUG TESTING PROGRAM FOR COMMERCIAL MOTOR VEHICLE DRIVERS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (8/0). On the motion of Council Member Taylor and seconded by Council Member Baxter, 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-18-03

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A CAR LOT IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5521 MacARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Taylor, and the roll having been called, and the following members having voted in the affirmative: Taylor, Baxter, Harris and Witcher; and the following members having voted no: Ross, White, Robinson, and Hight, the motion to suspend the readings failed (4/4). The item will be called at the next meeting. (*applicant: Emmanuel Philip*)

O-18-04 (ORDINANCE NO. 8977 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 2608 GRIBBLE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM I-2 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; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Ross, 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. Council Member Robinson asked if a home was going to be built on the property. Mr. Shawn Spencer, Planning Director advised the property owner intends to build a house and a future second house. Council Member Robinson asked if there were flooding issues in the area. Mr. Spencer said the building will have to be built one-foot above the flood zone. Council Member Ross asked if the Corps of Engineers would regulate docks at this location. Mayor Smith said a permit from the Corp would be required. 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). (*applicant: Jack King Custom Homes*)

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O-18-05 (ORDINANCE NO. 8978 – COUNCIL MEMBER HARRIS)

AN ORDINANCE AMENDING ARTICLE 21 (TABLE OF PERMITTED USES) OF ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE) TO ALLOW “LABORATORIES, CLINICAL” IN I-2 AND I-3 ZONES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend the readings was made by of Council Member Harris and seconded by Council Member Baxter. Council Member Robinson asked for an explanation of Laboratories, Clinical. Mr. Spencer said this would involve Doctors and Medical Health Laboratories. Currently these business types are allowed in C-2 to C-6 and I-1. On the previous motion, and by consent of all members present, the readings were suspended (8/0). 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).

PUBLIC COMMENT

Mr. Stan Smith said he wanted to speak on O-18-03 granting a car lot at 5521 MacArthur (Drive). Mr. Smith said the individual has been trying to get his business started for several months. This location has been in disrepair. The applicant would only have one to three cars. Mr. Smith owns the property and is leasing it to the applicant. Mr. Smith asked if the council could recall the legislation. Mayor Smith said someone having voted against suspending the readings could make a motion to recall it. Council Member Hight said he would. City Attorney Fields advised the item will be on the next agenda. Mayor Smith suggested Mr. (Stan) Smith contact council members regarding the application. Mr. Smith said the operation would be similar to a home garage. Council Member Ross questioned the comment regarding a family garage. Mr. Smith said the comparison was only to the size, not the work that will be performed on the property. Council Member Robinson commended Danny and the crew in the Traffic Department for their work. Council Member Robinson said she will miss Mr. James Bray (who is retiring later this year – see communication #8). Mr. Bray has worked for the city 43 years. Council Member Hight said he appreciated that Mr. Bray would get to the point. Council Member Witcher advised he will retire at the end of his term (2018). He has served in public office since 1986. He served on the North Little Rock School Board for over six years. In 1991, he was elected to the North Little Rock City Council. His goal was to contribute to the community and make it a better place. He said everyone who serves the city in elected positions, etc. has done it with good intentions. He thanked the voters in Ward 4 for their votes over the years. Council Member Witcher said he would like to see a young person run for the position.

There being no further business to come before the Council, and on the motion of Council Member Taylor and seconded by Council Member Ross, and by consent of all members present, the meeting was adjourned at 6:32 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, January 22, 2018, at six o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

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APPROVED: Joe A. Smith
MAYOR JOE A. SMITH

ATTEST: Diane Whitbey
DIANE WHITBEY, CITY CLERK

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