

January 9, 2012
Seven 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 9, 2012, was called to order at 7:00 p.m. by the honorable Mayor PATRICK HENRY HAYS. The roll having been called, and the following Aldermen answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (8/0), a quorum was declared. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The invocation was given by Mayor Hays, followed by the pledge of allegiance to the flag which was also led by Mayor Hays.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes of a regular council meeting held on Monday, December 27, 2011, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, communications #1 and 2, were not read, accepted and filed (8/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from James Ratliff* for Hooters of North Little Rock, 4110 Landers Road, by Stanley Conrad.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – NEW* for Pioneer Express, 300 Lake Lane, by Nirali H. Patel.

On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, communication #3 was read, accepted and filed (8/0).

3. Bob Fleckenstine – letter to Mayor Hays and City Council members re: information on the Arkansas Inland Maritime Museum (AIMM).

Mayor Hays asked Alderman Taylor to introduce Mr. Oscar Arras, Regional Account Manager, Utility Service Partners, Inc. (USP), National League of Cities (NLC). Alderman Taylor said he became aware of this program and wanted to bring the information to North Little Rock. He and Alderwoman Robinson have had sewer line issues in their ward. Mr. Arras advised the NLC Service Line Warranty Program is administered by USP. The program can help city residents save thousands of dollars on the high cost of repairing broken or leaking water or sewer lines. The program is offered at no cost to the city. Residents who have not set aside money to pay for an unexpected, expensive utility line repair,

now have an opportunity to obtain a low cost warranty that will provide repairs for a low monthly fee (approximately \$5.50 per month), with no deductibles or service fees. The work is performed by licensed, local plumbers. Mr. Arras reviewed a list of cities around the United States which are using the program. While costs for water line and sewer line repairs can vary, the average cost of repairing a broken water line or sewer line may range from \$1,200 to over \$3,500. Alderwoman Ross asked if trees roots were covered in the plan. Mayor Hays thanked Alderman Taylor and Mr. Arras for bringing this to the council's attention.

Mayor Hays asked Mr. Marc Wilkins, Director North Little Rock Wastewater to come forward. Mr. Wilkins introduced Ms. Ashley Barr who provided a Powerpoint presentation regarding a Grease Reduction Program. Mr. Wilkins said the Wastewater Department has determined that approximately 80% of the Sanitary Sewer Overflows are a result of some type of stoppage in the line. The majority of the time grease is present. Awareness will help the public find alternative ways to dispose of household grease. Ms. Barr's presentation was directed to school age children. Microorganisms are used to eat bad bacteria and clean the water. After the water is treated (recycled) it goes into the Arkansas River. Grease can be disposed of by reusing it or putting it into a container and throwing it in the trash. The presentation illustrated what can happen if a sewer line backs up inside a home. Keeping fats, oils and grease out of the sewer system will help. Pharmaceuticals should not be flushed down the toilet as they can contaminate our water system and are harmful to fish, aquatic life and wildlife. The proper way to dispose of pharmaceuticals is to remove them from their original containers and mix them with either used coffee grounds or kitty litter in a sealable container and then throw the container in the trash. Another way to dispose of drugs is through the Police Department's prescription drug take back program. Mailers were sent to Central Arkansas Water customers with their monthly bill. Mayor Hays said this is an important topic and everyone's help is needed.

Mayor Hays referenced O-12-01 and ongoing discussion regarding wildlife (Canada Geese) in Burns Park and along the river. Mayor Hays spoke with Mr. Scott White with the Coalition to Save the Canada Geese in Burns Park regarding his intent to move forward with an agreement. Mayor Hays said the city is in negotiations to acquire a dog to (continue to) aggravate the geese. Animal Control Officers have the authority to impound and/or dispose of animals that may threaten the health, safety and welfare of the public. Mr. Carter referenced Ordinance No. 8391 which authorized the suspension of the rule to discharge firearms within the city limits. Police Officers have a secondary authority to enforce the rules in the Animal Control Ordinance. The city has not forfeited the ability for employees to enforce existing rules (laws) and act on behalf of the city in their official capacity. Mayor Hays withdrew the proposed ordinance. If the current program is unsuccessful and lethal options are required, the mayor will discuss the use of city employees with North Little Rock Police Chief Danny Bradley and North Little Rock Animal Control Director Billy Grace. Mr. White spoke on behalf of the Coalition (to Save the Geese). He said they were happy the proposed ordinance was withdrawn and that this opens the door to move forward. He is concerned that damage may have been done to their ability to raise funds towards their financial commitment (\$12,000.00). He is confident he can get volunteers if egg addling is needed. Alderwoman Ross said there appear to be more geese in the

Lakewood area. Alderwoman White said there were 60 geese in the area today. In the past, the number was around 25. Ms. Carolyn Reed asked how long in advance the public would be notified if law enforcement and/or animal control officers will be shooting geese.

Mayor Hays announced citizen public comment on numbered legislation. Mr. Joe Reynolds spoke regarding O-12-03 which would allow a car sales lot in a C-4 zone. That area has been commercial for at least 30 years. The property is not inside the city limits; it is in the extra-territorial area. He has known the Harrison's (applicants) for years and they are good people. He supports the legislation.

UNFINISHED BUSINESS

R-11-206 (RESOLUTION NO. 7984 – MAYOR HAYS)

A RESOLUTION ACCEPTING THE LOW BID AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH BURKHALTER TECHNOLOGIES, INC. FOR 7TH STREET (BISHOP LINDSEY AVENUE) DRAINAGE AND STREET IMPROVEMENTS IN THE AMOUNT OF \$778,807.98, FUNDED FROM AEDC DISASTER FUNDS; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderman Foutch who abstained, the resolution was adopted (7/1).

O-11-82

AN ORDINANCE APPROVING A HILLSIDE CUT FOR DEVELOPMENT OF A PARKING LOT ON PROPERTY LOCATED ON CALVARY ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time on November 28, 2011, was read a second time December 12, 2011, was read a third and final time December 27, 2011, was called and held by the sponsor, Mayor Hays. (*applicant: Thomas Engineering Company*) Alderwoman Ross asked the status of testing in the area. Alderwoman White said it has not begun.

O-11-83

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A CAR SALES LOT IN A C-5 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 701 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held at the request of the sponsor, Alderman Taylor. (*applicant: Wanda Brainard*)

NEW BUSINESS

R-12-01 (RESOLUTION NO. 7985 – MAYOR HAYS)

A RESOLUTION REAPPOINTING ALDERWOMAN LINDA ROBINSON TO THE NORTH LITTLE ROCK ADVERTISING AND PROMOTION COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-02 (RESOLUTION NO. 7986 – MAYOR HAYS)

A RESOLUTION REAPPOINTING DAN SCOTT TO THE NORTH LITTLE ROCK PUBLIC BUILDING AUTHORITY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-03 (RESOLUTION NO. 7987 – MAYOR HAYS)

A RESOLUTION REAPPOINTING JOE SMITH TO THE NORTH LITTLE ROCK PUBLIC BUILDING AUTHORITY; 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 resolution was unanimously adopted (8/0).

R-12-04 (RESOLUTION NO. 7988 – MAYOR HAYS)

A RESOLUTION REAPPOINTING TODD LARSON TO THE NORTH LITTLE ROCK PUBLIC BUILDING AUTHORITY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-12-05 (RESOLUTION NO. 7989 – MAYOR HAYS)

A RESOLUTION REAPPOINTING TOM BROWN TO THE PLANNING COMMISSION BOARD OF ADJUSTMENT AND APPEALS; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0). Mayor Hays acknowledged Mr. Brown who was present and thanked him for his continued service to the City of North Little Rock.

R-12-06 (RESOLUTION NO. 7990 – MAYOR HAYS)

A RESOLUTION REAPPOINTING ALDERMAN MURRY WITCHER TO THE SENIOR CITIZENS COMMISSION; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-12-01

AN ORDINANCE AUTHORIZING THE MAYOR TO SUSPEND THE RULE PROHIBITING THE DISCHARGE OF FIREAREMS ON CITY-OWNED PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was withdrawn by the sponsor, Mayor Hays.

O-12-02 (ORDINANCE NO. 8405 – MAYOR HAYS)

AN ORDINANCE DEFINING “INSURANCE CONSULTANT” TO BE PROFESSIONAL SERVICES UNDER ARKANSAS LAW; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Robinson, and by consent of all members present, the rules were suspended and the ordinance was placed on its

second reading (8/0). On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). 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-12-03 (ORDINANCE NO. 8406 – MAYOR HAYS)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW CAR SALES IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4719 ASPEN IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; APPROVING CERTAIN WAIVER REQUESTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading (8/0). On the motion of Alderman Taylor and seconded by Alderman Hight, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). 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: Albert Harrison*)

O-12-04 (ORDINANCE NO. 8407 – ALDERWOMAN ROSS)

AN ORDINANCE AMENDING ORDINANCE NO. 7598 WHICH ESTABLISHED PROCEDURES FOR THE RENAMING OF STREETS IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman Ross and seconded by Alderwoman White, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (8/0). The ordinance was read a third and final time. Alderwoman Robinson asked if the council as a legislative body, could still grant renaming of a street regardless of what the History Commission says if it is the will of the community. Alderwoman Ross said the only change is notifying the History Commission when a petition has been filed. On the motion of Alderman Witcher and seconded by Alderwoman 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).

PUBLIC COMMENT

Ms. Kari Mogensen lives in Lakewood (on Glenmere). Her home was built in 1956. On November 20, 2011, the crawl space under her house was flooded by 12” to 15” of water which knocked out her HVAC unit. She pumped water out for nine days. Plumbers who looked at the situation have determined she did not have a water leak. She then contacted Central Arkansas Water (CAW). CAW determined there were leaks on the water main above and behind her on Lochridge. The CEO of CAW came to her home and told her she had a pressure issue. The water under the house was tested for chlorine. CAW then moved water from a 1 ¼” main to an 8” main across the street on Lochridge. She

has not had heat for 51 days. She cannot have a unit installed in the crawl space because it is too wet. So far, she has pumped approximately 20,000 gallons of water from the space. Damages to her home include \$3,000.00 to the original hardwood floors, loss of the HVAC unit, foundation problems, cracks in sheetrock and sinking. There needs to be a system for checks and balances on the water mains. CAW was not aware of a problem until she called. She asked for assistance. Water continues to flow under her home. Ms. Lynn Ross lives behind Ms. Mogensen on Lochridge. The leaking water line was in front of and boarded her property. The water seeped under the ground under her home until the massive explosion of water in November. Her home has warped and the hardwood floors have buckled, moss is growing in the yard, her bathtub is sinking, and an original built-in unit has separated from the ceiling. Compression drilling by CAW also caused damage. Both property owners have contacted their city council members, the mayor, other city employees and the governor. They have been told to contact CAW and hire an attorney. They cannot sale their homes in their current condition. Ms. Ross wants the leaks fixed and to be reimbursed for damages. Ms. Mogensen and Ms. Ross distributed photos illustrating the damage. Mayor Hays said there are instances where the city has been sued and has no liability. Ms. Ross said they have sent Freedom of Information Act (FOIA) requests to CAW and have not gotten a reply. Mr. Robert Hart, Central Arkansas Water Technical Services Officer said there is a difference of opinion. There was a minor leak detected on Lochridge. CAW will share whatever information they have and asked that Ms. Mogensen share her information with them. Alderwoman Ross advised there will be a Rally at the North Little Rock High School East Campus for the proposed North Little Rock School District Millage increase on January 10, 2012 at 6:00 p.m. She encouraged everyone to show their support. Mayor Hays encouraged the same. Ms. Bernadette Rhodes announced an upcoming event. On January 24, 2012, from 5:30 p.m. to 7:00 p.m. there will be a Forum at the Rose City Middle School. The purpose is to seek public involvement through round table discussions about topics like healthy eating and physical activity. Dinner will be provided. Saturday, January 21, 2012, a Bike Adventures Work Shop will take place. The event is open to the public and everyone is invited. Mayor Hays advised city offices will be closed Monday, January 16, 2012, in observance of Dr. Martin Luther King Day. Garbage, trash and recycling routes will run one-day delayed all week. Leaf vacuums are still running.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, the meeting was adjourned at 8:11 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, January 23, 2012, at seven o'clock p.m. in the City Council Chambers in City Hall, located at 300 Main Street, North Little Rock, Arkansas.

APPROVED: _____
MAYOR PATRICK HENRY HAYS

ATTEST: _____
DIANE WHITBEY, CITY CLERK