

November 26, 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, November 26, 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. Assistant City Clerk Linda Marshall and Assistant City Attorney Daniel McFadden were also present. Mrs. Marshall introduced Deputy City Clerk Daven McCoy who was also present.

The invocation was given by Alderwoman White, followed by the pledge of allegiance to the flag which was led by Alderwoman Ross.

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 *Tuesday*, November 13, 2012, were approved, accepted and filed as prepared by the City Clerk (8/0).

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

1. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Change of Manager from Mohammed Yafai*, for Exxon Mart, Inc., 3800 Camp Robinson Road, by Abdo A. Yafai.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Change of Manager from Mohammed Yafai*, for Quick Stop, Inc., 4700 Camp Robinson Road, by Abdo A. Yafai.

Mayor Hays invited Mr. Garrett Cole with GDS to come forward. Mr. Cole reviewed the 2012 Year-End Electric Market Update. He advised Arkansas Public Service Commission approved Entergy's move to Midwest ISO aka MISO, beginning December 19, of next year (2013). This represents a major operational transition. It also represents complicated implications on both the current agreement with NRG Energy and on future energy agreements. This market is an unbundled financial market which requires tracking several different markets at one time, all of which are complex and detailed. The Entergy Transmission System will be sold to ITC Holdings. Mr. Cole referenced Regulatory issues from the Environmental Protection Agency, etc. The new market will result in greater customer demands, including transparency and up-to-date technology. The impact on city council will bring about more complex decisions more frequently; additional time will be required on education to

acquire more advanced utility knowledge. The impact on customers will touch every element of the utility realm including billing, service, outages, security and financing. A greater financial risk will require constant observation and the future economical struggle will impact the ability of the city to serve its customers. To face the challenges ahead the city must: maintain strong liquidity, continue rigorous preparation, begin an active power supply contract replacement effort, and consider developing a commission. Alderwoman Ross spoke in favor of an Electric Commission. Alderman Baxter asked if specific knowledge was needed to serve on the commission.

Mayor Hays advised a runoff election will be held tomorrow (November 27, 2012) and encouraged everyone to vote. Mayor Hays invited candidates to come forward and speak. Alderman Foutch said keeping experience and continuity on the city council is very important. He encouraged everyone to vote tomorrow.

Mayor Hays convened a public hearing regarding O-12-96. Mr. Charley Foster is a member of the Green Agenda Committee. A Task Force has been researching the adoption of the 2011 Arkansas Energy Code. In 2009, Act 1196 mandated that all cities and counties issuing building permits for new buildings adopt (the current version of) the Arkansas Energy Code. The committee has been working on this since 2011 with (State) Legislators, Metroplan, City Code Enforcement, the City of Fayetteville, Home Builders Association, realtors and appraisers. We need do something now to take care of the big demands in the future.

Without objection O-12-96 was called.

O-12-96

AN ORDINANCE ADOPTING THE 2011 ARKANSAS ENERGY CODE, PROVIDING MINIMUM ENERGY STANDARDS FOR THE DESIGN OF NEW BUILDINGS AND STRUCTURES, OR PORTIONS AND ADDITIONS TO EXISTING BUILDINGS THAT PROVIDE FACILITIES OR SHELTER FOR PUBLIC ASSEMBLY, EDUCATION, BUSINESS, MERCANTILE, INSTITUTIONAL, STORAGE, AND RESIDENTIAL OCCUPANCIES, AS WELL AS THOSE PORTIONS OF FACTORY AND INDUSTRIAL OCCUPANCIES DESIGNED PRIMARILY FOR HUMAN OCCUPANCY; DECLARING AN EMERGENCY; AN FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor 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). The ordinance was read a second time and held by the sponsor, Mayor Hays. The public hearing held early was recessed until next council meeting scheduled for Monday, December 10, 2012.

Mayor Hays said he just received a (text) message from City Attorney Carter advising the Sherwood City Council had voted 5-3 to acknowledge North Little Rock as it (electric) power supplier.

NEW BUSINESS

R-12-209 (RESOLUTION NO. 8193 - MAYOR HAYS)

A RESOLUTION REAPPOINTING ALDERMAN CHARLIE HIGHT TO THE NORTH LITTLE ROCK ADVERTISING & PROMOTION COMMISSION; AND FOR OTHER PURPOSES, was

read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Alderman Baxter asked Alderman Hight about his current employment. Alderman Hight will file a corrected one with City Clerk. On the previous motion, and all members present having voted in the affirmative, the resolution was unanimously adopted (8/0).

UNFINISHED BUSINESS

R-12-206 (RESOLUTION NO. 8194 – MAYOR HAYS)

A RESOLUTION AUTHORIZING RENEWAL FOR 2013 HEALTH BENEFITS COVERAGE FOR CITY EMPLOYEES THRU STEPHENS INSURANCE, LLC WITH QUALCHOICE AS THE MAJOR MEDICAL PROVIDER; AND FOR OTHER PURPOSES, was amended November 13,

2012, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Mr. Bobby Whitfield, Stephens Inc. referenced the renewal proposal submitted by QualChoice. There was a typo under the annual maximum for the Core Plan. On the motion of Alderwoman Ross and seconded by Alderwoman White and by consent of all members present, the resolution was amended as follows: *amending Exhibit B and chart attached thereto change calendar year max from \$1,250,000.00 to \$2,000,000.00* (8/0). A motion to adopt as amended was made by Alderman Witcher and seconded by Alderwoman Ross. On the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, the resolution was again amended as follows: *insert into Section 1: under Option 1* (8/0). On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

NEW BUSINESS

R-12-210 (RESOLUTION NO. 8195 – MAYOR HAYS)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2119 MOSS STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE

A PUBLIC NUISANCE AND CODEMNING 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 Alderwoman Ross and seconded by Alderwoman White. Mayor Hays 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: Jason Springer*)

Without objections ordinances were called. *Note: O-12-96 was called earlier in meeting.*

O-12-97

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A SELF-SERVE ICE VENDING UNIT IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1900 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time this date and held by the sponsor, Alderman Taylor. (*applicant: David Gatzke*)

O-12-98 (ORDINANCE NO. 8487 – ALDERMAN WHITE)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A CAR SALES OFFICE IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4700 JOHN F. KENNEDY BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; 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 rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderwoman White 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, with the exception of Alderman Taylor, who voted no, the ordinance was adopted (7/1). Emergency clause unanimously adopted (8/0). (*applicant: Mohammed Abuhalmeh*)

Alderman Hight attended the Planning Commission meeting when this item was on the agenda. The business will not have inventory. Business will be conducted by internet only.

Mayor Hays advised City Attorney Carter and North Little Rock Electric Department General Manager Mike Russ had returned from the Sherwood City Council meeting and asked for an update. Mr. Carter said this had been a lengthy process. The City of Sherwood Council members wanted to be sure they made the right decision. Mr. Carter and Mr. Russ met with two different committees and each alderman separately. Some of the aldermen were hesitant and there were three no votes. However, those members who supported North Little Rock's proposal said they had surveyed their constituents and the majority wanted to stay with North Little Rock. Mr. Carter will present the Franchise Agreement at the next council meeting. Mayor Hays said both cities have had a good partnership over the years. Mayor Hays said the relocation of the Electric Department was a plus. North Little Rock is committed to providing quality service. He thanked Mr. Carter and Mr. Russ for their work on this issue and commended them both for the same.

Alderwoman Robinson asked a question about R-12-209. If car sales are on the internet, how will the city be able to track the sales tax and others taxes owed to the city? Alderwoman Ross said the Arkansas State Police license car dealers. They are required to have a state license and a designated

office. They cannot have cars for sale at their home. Mr. Mohammed Abuhlimeh stated this is not a car lot sales, the license will allow him to buy cars at an auction and ship them overseas.

O-12-99 (ORDINANCE NO. 8488 – ALDERMAN ROSS)

AN ORDINANCE EXTENDING THE MORATORIUM ON MAJOR HILLSIDE CUTS IN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER

PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderman Witcher, 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 again suspended and the ordinance was placed on its third and final reading (8/0). Alderman Hight asked if there were any pending requests regarding Hillside Cuts. Mr. Robert Voyles, Planning Director advised there were not. On the motion of Alderwoman Ross and seconded by Alderwoman 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). Mayor Hays asked the status of a lawsuit against the city regarding Hillside Cuts. Mr. Carter said motions have been filed and are pending.

O-12-100 (ORDINANCE NO. 8489 – MAYOR HAYS)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS FOR REPAIRS TO TWO TRAIN CARS AT THE BURNS PARK FUNLAND; APPROPRIATING FUNDS (\$31,246.00 + tax from Insurance Proceeds and \$4,754.00 + tax from 2007 Hamburger Tax Capital); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and

seconded by Alderman Foutch, and by consent of all members present the (all) readings were suspended (8/0). Mayor Hays said a tree fell on the shed during a storm which resulted in damage to it and some of the train cars. The majority is covered by insurance. Mayor Hays asked if the shed would be rebuilt. Mr. Bob Rhoads, Parks and Recreation Director was not sure. On the motion of Alderman Hight and seconded by Alderman Taylor, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0).

R-12-211 (RESOLUTION NO. 8196 – MAYOR HAYS)

RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1007 NORTH “E” 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 Alderwoman Ross and seconded by

Alderman Baxter. Mayor Hays 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: Lois Thomas Butler*)

R-12-212 (RESOLUTION NO. 8197 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 904/906 WEST 23RD 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 Alderwoman Robinson. Mayor Hays convened a public hearing. There being 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) (*amount - \$4,465.97*)

R-12-213 (RESOLUTION NO. 8198 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1710 WEST LONG 17TH 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 Hays 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). (*amount - \$3,211.93*)

R-12-214 (RESOLUTION NO. 8199 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 601 WEST 34TH 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 Alderwoman Robinson. Mayor Hays convened a public hearing. There being on one present wishing to be heard, the public hearing was adjourned. Alderwoman Ross asked Mr. Carter if the council could call all liens under one public hearing. Mr. Carter wanted to be able to preclude anyone from saying they were not given the opportunity to appear before the council. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (*amount - \$3,617.37*)

R-12-215 (RESOLUTION NO. 8200 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 2101 MOSS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES,

was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Baxter. Mayor Hays 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). (*amount - \$3,411.93*)

R-12-216 (RESOLUTION NO. 8201 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1105 VESTAL STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Baxter. Mayor Hays 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). (*amount - \$6,177.73*)

R-12-217 (RESOLUTION NO. 8202 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 115 SOUTH LAUREL STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. Mayor Hays 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). (*amount - \$3,333.53*)

R-12-218 (RESOLUTION NO. 8203 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1419 WEST SHORT 17TH 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 Hight. Mayor Hays convened a public hearing. There being no one 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). (*amount - \$4,876.41*)

R-12-219 (RESOLUTION NO. 8204 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 2708 GRIBBLE STREET 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 Alderwoman Robinson. Mayor Hays 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). (*amount - \$2,940.37*)

R-12-220 (RESOLUTION NO. 8205 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 2023 AUGUSTA STREET IN THE CITY OF NORTH LITTLE ROCK,

ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Foutch. Mayor Hays 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). (*amount - \$3,940.66*)

R-12-221(RESOLUTION NO. 8206 – MAYOR HAYS)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEANUP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1207 WEST 25TH STREET IN THE CITY OF NORTH LITTLE ROCK,

ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Mayor Hays convened a public hearing. There being on 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) (*amount - \$3,474.07*)

R-12-222 (RESOLUTION NO. 8207 – MAYOR HAYS)

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 Hight and seconded by Alderman Taylor. Mayor Hays convened a public hearing. There being no one 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).

The following items were called earlier in meeting: O-12-96, O-12-97, O-12-98, O-12-99, and O-12-100.

PUBLIC COMMENT

Alderwoman Robinson said her constituents want a fire station on the eastern side of town. She has been trying to come up with funding. In 1993 or 1994, Joe Smith was responsible for implementing resource officers in the North Little Rock School District at no cost to them. At the time it was \$400,000.00 a year. The current cost is \$600,000.00 a year (2011 and 2012). If you add those amounts together, the total is \$1.2million. North Little Rock is the only city that does not charge a fee to the school district for providing Resource Officers. Other cities do. She was not advocating discontinuing resource officers in schools. The teachers enjoy the security of knowing there are police

officers on campus. The city is going to pay \$600,000.00 whether the officers are patrolling neighborhoods or assigned to the school district for nine months. She suggested the district be asked to defray some of the cost. The city has provided this funding to the city for 19 years. If the District picked up part of the cost of the officers, the remainder could be used for maintenance and operation of a new fire station. Alderman Hight said the Christmas Parade is Sunday, December 2, 2012, at 2:00 p.m. Alderman Witcher reminded everyone that the Holiday Lights in Burns Park display is open. The cost is \$5.00 per car. Alderman Witcher said the voters recently approved a Highway Tax. North Little Rock will begin receiving funds late next year. Alderman Foutch said the North Little Rock Firefighter Local #35 is collecting donations to purchase bicycles for underprivileged children. You can stop by any fire station to drop off a donation. Alderwoman Ross said Shop With A Cop will hold a fundraiser December 3, 2012, at Old Chicago restaurant. December 9th and 16th are the dates for kids to Shop with a Cop and volunteers are needed to wrap gifts. Alderwoman White said the Annual Special Olympics Polar Bear Plunge will be December 8, 2012. Mr. Mark Warford, President North Little Rock Firefighters Local #35 Union also said they are collecting money and bicycles for children. Alderman Baxter said his graduating class from Ole Main is raising funds for the Local 35, too.

There being no further business to come before the Council, and on the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the meeting was adjourned at 8:30 p.m. (8/0), until the next regularly scheduled meeting to be held Monday, December 10, 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