

April 8, 2013
Six-thirty o'clock P.M.
North Little Rock City Hall Council Chambers
300 Main Street
North Little Rock, Arkansas

Mayor JOE A. SMITH called a SPECIAL MEETING of the North Little Rock City Council scheduled for Monday, April 8, 2013, at 6:00 p.m. to order. The roll having been called and the following members answered to their names: DEBI ROSS, BETH WHITE, MAURICE TAYLOR, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0), a quorum was declared. Alderwoman LINDA ROBINSON was not present. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

April 8, 2013 (via email)

Subject: Special Meeting of the North Little Rock City Council

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you that Mayor Smith has called a special meeting of the North Little Rock Council at 6:00 p.m. on Monday, April 8, 2013, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

- 1) Proclamation presented to Emergency Services for National Public Safety
Telecommunicators Week
- 2) Recognition of Kennedy Banks, Grand Prize Winner of the 2013 Earth Day Poster Contest
- 3) Recognition of Ms. Mandy Ware, 2013 Arkansas Gifted and Talented Educator of the Year
- 4) Recognition of North Little Rock High School Charging Wildcats Varsity Boys Basketball Team, 2013 7A State Champions

Pursuant to Sec. 2-48(2) of the North Little Rock Municipal Code, you are entitled to 72 hours' electronic notice of this meeting. Please acknowledge receipt of this e-mail as soon as possible by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey

City Attorney C. Jason Carter

By: Matthew W. Fleming
Deputy City Attorney

Mayor Smith invited members and coaches of the North Little Rock High School Charging Wildcats Varsity Boys Basketball Team, 2013 7A State Champions to come forward. Mayor Smith congratulated each team member and their coaches for the win. He also commended them for their conduct during the tournament. Mayor Smith then presented each player and coach a day Proclamation proclaiming March 9, 2013, as their day. Players were Thomas Alexander, Kevaughn Allen, Jawan Eldridge, Terrance Francis, Khalil Hill, Derrick Holloway, Camron Hooks, Ronald McCuien, Nicholas Scott, Matthew Terry, Robert Verges, Gary Vines, Dayshawn Watkins and Cameron Williams. Also receiving proclamations were Athletic Director Coach Kevin Danaher, Head Coach Johnny Rice, Assistant Coach Nathan Clayborn and Assistant Coach Wes Bilon. Coach Rice thanked the Mayor and City Council for their support and recognition. This was their first time to win a State Championship in 42 years.

Mayor Smith said North Little Rock's Emergency Services/911 Center takes a lot of emergency calls each day and said our 22 dispatchers are "unsung heroes". Mayor Smith invited Mr. Rick Ezell, Mr. Bud Gray and Ms. Debra Lusk to come forward and read a Proclamation proclaiming National Public Safety Telecommunicators Week in the City of North Little Rock.

Mayor Smith asked Ms. Jill Ponder, North Little Rock Electric Department to come forward. Ms. Ponder then announced the 4th Annual Earth Day Poster Contest Award winner, Miss Kennedy Banks, a student at Glenview Elementary School. Mayor Smith then commended Miss Banks on her artwork and congratulated her for being the 2013 Grand Prize winner.

Mayor Smith invited Mrs. Amanda "Mandy" Ware to come forward. Mrs. Ware recently received the 2013 Arkansas Gifted and Talented Educator of the Year Award at the State Capitol. Mayor Smith then presented Mrs. Ware a Day Proclamation from the City of North Little Rock.

On the motion of Alderman Taylor and seconded by Alderman Hight, and by consent of all members present, the Special Meeting was adjourned at 6:19 p.m. (8/0). *Note: Alderwoman Robinson arrived during presentations.*

The regular meeting of the North Little Rock City Council scheduled for Monday, April 8, 2013, was called to order at 6:30 p.m. by the honorable Mayor JOE A. SMITH. 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 Assistant City Attorney Matt Fleming were also present.

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

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 and Special meeting held on Monday, March 25, 2013, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderman Baxter, and by consent of all members present, communications #1, and 3 were accepted and filed (8/0).

1. Carole Musch, Recycling Logistics Coordinator – Yellowbook re: Little Rock / North Little Rock delivery May 31 – July 12, 2013.
3. Bob Sisson, Finance Director, Chairman Energy Risk Management Committee memorandum to Diane Whitbey, re: April 2013 Energy Cost Recovery Rider Adjustment Factor .97¢ / kwh or \$.0097 / kwh.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communication #2 was read, accepted and filed (8/0).

2. Waste Management letter to John Roberts, Executive Director Pulaski County Regional Recycling and Waste Reduction District re: Annual Increase (1.9%) to reflect change in Consumer Price Index effective April 2, 2013.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #4 was read, accepted and filed (8/0).

4. Marc Wilkins, P. E., Director North Little Rock Wastewater memorandum to Mayor Joe A. Smith re: North Little Rock Wastewater Treatment Committee – Election Announcement re: Kenneth W. “Buck” Matthews, Chairman and Sylvester Smith, Vice-Chairman and Secretary.

Alderman Hight advised a presentation by Mr. Paul Leopulus, Thea Foundation will make a presentation at the next council meeting.

Mayor Smith convened a scheduled public hearing regarding O-13-28 – Establishing Rates and Procedures for the Interconnection of Distributed Generation Facilities to the North Little Rock Electric Distribution System. City Attorney and Interim North Little Rock Electric Department General Manager C. Jason Carter advised a large solar project is under development through the Department of Veterans Affairs (VA). The VA would like to inner-connect the 1.2 megawatt facility with North Little Rock Electric’s System. This legislation would manage the request and future similarly situated requests. Mr. Carter distributed a sheet with comments from the VA regarding the same which he then reviewed pertaining to Exhibit A, 3. a. ii and b. ii, 5. b., 8. a., and 11. a. There being no one wishing to be heard, the public hearing was adjourned.

UNFINISHED BUSINESS

O-13-28 (ORDINANCE NO. 8524 – MAYOR SMITH)

AN ORDINANCE ESTABLISHING RATES AND PROCEDURES FOR THE INTERCONNECTION OF DISTRIBUTED GENERATION FACILITIES TO THE NORTH LITTLE ROCK ELECTRIC DISTRIBUTION SYSTEM; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read three times March 25, 2013. A public hearing was held this date (*see above*) and adjourned. The ordinance was read. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the ordinance was amended as follows:: *Exhibit A paragraph 3.a. ii and 3.b. ii strike through one percent (1%) and insert ONE HALF PERCENT (.5%) (8/0)*. A motion to adopt as amended was made by Alderman Witcher and seconded by Alderman Hight. Alderman Foutch asked about variables and if someone would be able to generate this type of electricity from their home with solar panels or a windmill. Mr. Carter said a normal house consumes around 20 to 25 kilowatts during peak usage. The variable is directed toward a much larger consumer. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted as amended (8/0). Emergency clause unanimously adopted (8/0).

O-13-34

AN ORDINANCE AMENDING CHAPTER 74 OF THE NORTH LITTLE ROCK MUNICIPAL CODE TO ADD REGULATIONS FOR “MOBILE VENDORS”; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Alderwoman White.

CONSENT AGENDA

None filed.

NEW BUSINESS

R-13-62 (RESOLUTION NO. 8299 – MAYOR SMITH)

A RESOLUTION EXPRESSING SUPPORT FOR H.R. 1038 – PUBLIC POWER RISK MANAGEMENT ACT OF 2013; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderwoman Robinson. Mr. Carter said this legislation is related to regulation on the brokers of electric power and their dealings with municipalities. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-13-63 (RESOLUTION NO. 8300 – MAYOR SMITH)

A RESOLUTION ESTABLISHING A POLICY FOR MAINTENANCE OF TREES AND VEGETATION ON CITY PROPERTY AND PUBLIC EASEMENTS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderwoman White. Mr. Carter said a policy will help with city-owned property and public easements and rights-of-way. Mr. Carter said whoever owns the property where the vegetation is growing is the owner of the vegetation. The city is authorized to enter and maintain easements. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-13-64 (RESOLUTION NO. 8301 – ALDERWOMAN ROSS)

A RESOLUTION ESTABLISHING A TASK FORCE TO STUDY OUTDOOR STORAGE CONCERNS 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

Alderwoman Robinson. Alderwoman Ross said she gets calls weekly from homeowners concerning homes in their neighborhoods that are devaluing their property values by storing things outdoors. This legislation would create a resident Task Force. Members would provide recommendations to the City Council. This legislation is about more than furniture on porches. It pertains to vehicles (appliances, equipment, tools and trash) in yards (and driveways, carports, porches, patios, etc.). After discussion and on the motion of Alderwoman White, and seconded by Alderman Foutch, and by consent of all members present, the legislation was amended as follows:: *Section 2 (i) insert DEBI ROSS and STEVE BAXTER (8/0)*. A motion to adopt as amended was made by Alderman Witcher and seconded by Alderwoman Robinson. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the legislation was again amended as follows:: *add SECTION 2: (j) ONE (1) (NON-VOTING MEMBER) TO SERVE AS A REPRESENTATIVE OF THE NORTH LITTLE ROCK PLANNING COMMISSION (8/0)*. Alderman Baxter made a motion to amend to add a non-voting member representing Code Court. Mayor Smith advised a representative from Code Court would likely be the Judge. Alderwoman White asked if someone other than the Judge could represent the court. Mr. Fleming advised a representative of Code Enforcement would serve on the committee. After discussion as to whether or not there might be a conflict, Alderman Baxter withdrew his motion. On the motion of Alderwoman White and seconded by Alderman Foutch, and by consent of all members present, the resolution was again amended as follows:: *Section 2: (c) strike through ~~Commission~~ (8/0)*. On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the resolution was unanimously adopted as amended (8/0). Alderwoman Ross said there will be one representative from each ward. Any resident who is interested should contact their Aldermen.

R-13-65 (RESOLUTION NO. 8302 ALDERMEN HIGHT AND ROSS)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THEA FOUNDATION; 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 resolution was unanimously adopted (8/0).

O-13-35 (ORDINANCE NO. 8525 – MAYOR SMITH)

AN ORDINANCE AMENDING SECTION 7-005 OF THE NON-UNIFORMED EMPLOYEES POLICY AND PROCEDURE MANUAL REGARDING FAMILY AND MEDICAL LEAVE ACT POLICY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher 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 Alderman Witcher and seconded by Alderman Foutch, 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. Alderman Witcher asked about the proposed changes. Human Resources Director Betty Anderson advised they were outlined in the attached Exhibit. Previously Guard and Reserve members were covered. Now all armed forces members are covered. This concurs with Federal Law. On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).

O-13-36

AN ORDINANCE AMENDING THE MASTER STREET PLAN (ORDINANCE NO. 7932) TO UPDATE THE NORTH LITTLE ROCK BICYCLE PLAN; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time and held at the request of the Sponsor, Alderman Hight. A public hearing was scheduled for April 22, 2013, at 6:30 p.m.

Alderman Witcher asked if something similar to O-13-35 has been or will be adopted to cover Uniformed Employees. Ms. Anderson said generally when the Non-Uniformed Policy is amended to adopt Federal Law the Uniformed Employees will adopt a policy to mirror it. Mr. Carter and/or Mr. Fleming will research this and advise City Council members.

O-13-37 (ORDINANCE NO. 8526 – ALDERMAN TAYLOR)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A DAY CARE CENTER IN AN R-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 5601 LYNCH DRIVE 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 Robinson, 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. A motion to suspend the rules was made by Alderman Taylor and seconded by Alderwoman Robinson. Alderwoman Ross asked if there had been any complaints or concerns from residents. None were reported. Alderman Hight asked what was at the location previously. The applicant, Ms. Chaka Person said it is a church. On the previous motion, 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). On the motion of Alderman Witcher and seconded by Alderman Hight, and the roll having been called, and by consent of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Chaka Person*)

PUBLIC COMMENT

Alderwoman White displaced a Fit 2 Live Safety Vest. Last Saturday, approximately 30 people participated in a Walk-ability Event at Lakewood Elementary School. The attendees broke into groups and walked through the neighborhood to assess needs. Three more events are planned: Amboy Elementary, April 20, 2013, at 2:00 p.m.; Boone Park Elementary, May 3, 2013; and, Meadowpark

Elementary, May 18, 2013. People from each neighborhood have attended training. Mayor Smith said city crews worked countless hours on the Main Street Viaduct last weekend, including Chief City Engineer Mike Smith, Engineer Chris Wilbourn and Street Department Director Patrick Lane. He commended them for their efforts. Mayor Smith distributed a memorandum from Chief City Engineer Smith regarding Proposed 2013 Overlay Program. Lists of streets by ward, an initial selection list, and a reduction to the list to approximately 50 blocks per ward were included. Blocks (initial selection, staff selection and final selection), milling costs, overlay costs and a sum total of all and maps were included and separated by ward. Mayor Smith asked council members to review the information. His plan is to continue the Overlay Program for the next 10 years. Mr. (Mike) Smith did not include John F. Kennedy Boulevard or Main Street in this program as they could fall under State Aid Funds. Alderwoman Ross asked if milling was included. Mr. Smith said milling would be an extra expense (around \$20,000.00). Mayor Smith said not all of the street will need to be milled. Mr. (Mike) Smith said the total does not include edge milling because the Street Department will do that work. Alderwoman Ross said Percy Machin needs to be milled. Mayor Smith asked council members to contact Mr. (Mike) Smith if they had any questions. Ms. Whitbey advised City Treasurer Mary Ruth Morgan is doing well and continues to recover from a recent accident. She may be released from the hospital April 10, 2013.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderman Foutch , and by consent of all members present, the meeting was adjourned at 7:22 p.m. (8/0), until the next regularly scheduled meeting scheduled for Monday, April 22, 2013, at six thirty 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