

June 10, 2013
Six-thirty 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, June 10, 2013, was called to order at 6:32 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, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, CHARLIE HIGHT and MURRY WITCHER (7/0), a quorum was declared. Alderman BETH WHITE was absent. City Clerk Diane Whitbey and Assistant City Attorney Daniel McFadden were also present.

The invocation was given by former North Little Rock Mayor Eddie Powell, followed by the pledge of allegiance to the flag which was led by former Mayor Powell.

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 Call meeting held on Tuesday, May 28, 2013, were approved, accepted and filed as prepared by the City Clerk (7/0).

Mayor Smith invited Mr. Keith E. Cragg, CenterPoint Energy to come to the podium. Mr. Cragg congratulated the North Little Rock Fire Department on being selected to receive a CenterPoint Energy Community Partnership Grant. He then presented Mayor Smith a check for \$1,450.00 to purchase rope rescue equipment.

Mayor Smith asked Mrs. Margaret Powell, Director of External Affairs to come forward. Mrs. Powell then presented Honorary (North Little Rock) Citizen Awards to Mrs. Eunsook Yoon, Minsun (Sunny) Kim, and Mingee Kim. Eunsook and her daughters have been here since November, 2011, participating in the Winter Sister City Program between Uiwang City, South Korea and the City of North Little Rock. Mrs. Powell thanked each of them for their sacrifices and congratulated them for their achievements. Mayor Smith presented awards to each and thanked Eunsook's husband Joon Kim for sharing his family for the past year and a half.

Mayor Smith asked Mr. C. Jason Carter, Interim Director North Little Rock Electric Department to come forward. Mr. Carter advised the new North Little Rock Electric campus at 1400 Maryland has received LEED certifications, making them the first in North Little Rock. One existing building was modified and structures were added. Williams and Dean Architect designed the structures. Hydco did the construction work and Viridian provided LEED consulting and more. Mr. Carter then produced a Gold Certification Certificate for the Administration Building, Silver Certification Certificate for the

Construction Facility, and Certification for the SCADA Building. Mr. Matt Bell, owner Viridian, provides consulting on how to make buildings more sustainable. Considerations include energy efficiency. The Administration Building is 49% more efficient than required by Arkansas State Code. Water usage was reduced by 41% or 22,000 gallons a year. Ninety-five percent of the structural materials were reused along with 50% of the interior elements. Mayor Smith also thanked Mr. Gary Dean and Mr. Roger Marlin for their work.

On the blanket motion of Alderman Witcher and seconded by Alderman Taylor , and by consent of all members present, communications #4, 7, 8, 9, 10, 11, 14, and 15 were accepted and filed (7/0).

4. C. Jason Carter, North Little Rock Electric Department Interim General Manager letter to City Clerk Diane Whitbey re: ECR (Energy Cost Recovery) Rider adjustment factor for June, 2013, .16¢/kwh or \$.0016/kwh.
7. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises & Small Farm Wine – Replacement from Hiram King* for MacArthur Food Mart fka E-Z Mart Store #356, 3600 McArthur Drive, by Othman Ahmad.
8. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – NEW* for Kay Food Mart, Inc. 5800 MacArthur Drive by Jung D. Kim.
9. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manger from Teak Daniel* for Applebee's Neighborhood Grill & Bar of L. R., by Stephanie S. Roberts.
10. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Replacement from Firas Nazif* for K. J. Mart fka Price Rite Food Mart, Inc., 1513 E. Washington, by Hyon M. Ha.
11. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Transfer of Location from 4300 East McCain Blvd*, for McCain Phillips 66 #662, by Mohammad H. Honormand, to 4400 East McCain.
14. Bob Sisson, Finance Director, memorandum to Mayor Smith, City Council members, City Clerk Whitbey and City Treasurer Mary Ruth Morgan re: North Little Rock Electric Department Audit Report for year ended December 31, 2012.
15. Mayor's Office – (Press Release) re: Applications now available for Lake Maumelle Watershed Stakeholder Taskforce.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, communication #1 was read, accepted and filed (7/0).

1. Bob Sisson, Finance Director, letter of resignation effective June 28, 2013.

Mr. Sisson thanked the mayor and council members. He has worked with many council members, mayor's, etc. over the years and has enjoyed his time with the city. Mayor Smith said he has done a wonderful job and become a great friend.

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 (7/0).

2. Mayor Joe A. Smith, letter to C. Jason Carter, City Attorney re: designation as primary legal advisor for North Little Rock Electric Department and salary increase.

On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, communication #3 was read (except for the 1st paragraph), accepted and filed (7/0).

3. Sally Mears, email re: crime, code issues and dog odors.

Alderman Hight said this is one of many emails or calls he receives daily regarding issues effecting property values in the city. Some people do not take care of their yards and it does affect the neighbors.

On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, communication #5 was read, accepted and filed (7/0).

5. V. L. Cox, via email re: Health Risk - North Little Rock Quarry property and requesting city not spray Herbicides in the area. Volunteer to organize citizen brigade to help maintain trails and (Quarry) area.

Alderwoman Ross said the area is not part of the city Parks system. She suggested someone adopt the area (through the Keep North Little Rock Beautiful Group).

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

6. Bob Hardin, Attorney at Law – Notice re: Young Road Multi-Purpose Municipal Improvement District and Notice of Public Hearing June 28, 2013, at 6:30 p.m.

Mr. McFadden said legislation will be filed regarding the same.

On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, communication #12 was read (up to Attachment A), accepted and filed (7/0).

12. Glinda Craigmyle, Mayor's Office – North Little Rock Bicycle Friendly Community Committee to Mayor and City Council members re: Review of 2013 Street Overlay Plan.

On the motion of Alderman Foutch and seconded by Alderwoman Ross, and by consent of all members present, with the exception of Alderwoman Ross who voted no, communication #13 was read, accepted and filed (6/1).

13. Glinda Craigmyle, Mayor's Office – Notice of Public Hearing re: NLRMC, Chapter 2: Animal Control, Article 7, Section 1: Fowl (proposed amendment to reduce the required distance fowl must be kept from other residences or dwellings.

Mayor Smith said a public hearing cannot be held without legislation being filed for a specific purpose. Alderman Witcher said having fowl in the city was not common several years ago. Someone built a chicken coop in their front yard which required council involvement. The current code does not allow

roosters. Alderman Hight said the Overbrook Property Owners Association Bylaws prohibits chickens. Alderwoman Ross asked who could call for a public hearing. Mayor Smith said the council calls for public hearings.

On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, communication #14 was not read, but accepted and filed (7/0).

14. Bob Sisson, Finance Director, memorandum to Mayor Smith, City Council members, City Clerk Whitbey and City Treasurer Morgan – North Little Rock Electric Department Audit Report for year ended December 31, 2012.

Mayor Smith said applications are now available for the Lake Maumelle Watershed Stakeholder Taskforce.

UNFINISHED BUSINESS

None

CONSENT AGENDA

None

NEW BUSINESS

R-13-103 (RESOLUTION NO. 8339 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REA PROPERTY LOCATED ON ARKANSAS HIGHWAY 70 IN PULASKI COUNTY, ARKANSAS, FOR A TRANSFER SWITCH SERVING L'OREAL; AND FOR OTHER PURPOSES,

was read. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. On the motion of Alderwoman Ross and seconded by Alderman Baxter, the resolution was amended as follows: *attach Pearce-Stephens Associates, Inc. Appraisal (7/0)*. On the motion of Alderman Taylor and seconded by Alderwoman Ross, and by consent of all members present, the resolution was adopted as amended (7/0). (\$8,800.00)

Without objection O-13-49 was called.

O-13-49 (ORDINANCE NO. 8538 – MAYOR SMITH)

AN ORDINANCE ESTABLISHING PROCEDURES TO BE FOLLOWED IN THE ABSENCE OF THE MAYOR; 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 rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Baxter, 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 (7/0). The ordinance was read a third and final time. Alderwoman Ross asked if it was six (6) months

before the city council could call for an election (if the mayor were disabled or out). Mr. McFadden said it was. On the motion of Alderman Hight and seconded by Alderman Foutch, and the roll having been called and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

R-13-104 (RESOLUTION NO. 8340 – MAYOR SMITH)

A RESOLUTION APPROVING THE APPOINTMENT OF DANNY BRADLEY TO PERFORM DUTIES OF MAYOR OF NORTH LITTLE ROCK IN THE ABSENCE OF THE MAYOR; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Alderman Taylor asked if this should be done by position instead of an individual (named person). Mayor Smith said no. Alderman Foutch asked if Chief of Staff would be a permanent position or one under the current administration. Mayor Smith said that would be at the discretion of the next mayor. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-13-105 (RESOLUTION NO. 8341 – MAYOR SMITH)

A RESOLUTION EXPRESSING THE WILLINGNESS OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO PARTICIPATE IN FEDERAL GRANT TO UTILIZE COMPRESSED NATURAL GAS (CNG) IN CENTRAL ARKANSAS TRANSIT AUTHORITY VEHICLES; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Witcher and seconded by Alderman Taylor. Alderman Baxter asked if existing buses would be refurbished or if new buses would be purchased. Mayor Smith said this application required approval between council meetings. The grant total is \$10 million and would include building a CNG facility and purchasing new buses. Alderman Foutch asked if the city's CNG station could be modified. Mayor Smith said it would add too much volume. Alderwoman Ross asked if the money would come out of the General Fund. Alderwoman Ross asked if this would reduce amount the city funds each year. Alderman Baxter asked how this will effect additional routes (Sunday and additional hours). On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*Match up to \$488,601.00 – City's Interlocal Agreement with CATA*)

Mayor Smith said a list of items pertaining to the 2014 budget is being compiled and will be discussed at the second council meeting in July.

R-13-106 (RESOLUTION NO. 8342 – 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 Witcher and seconded by Alderwoman Ross. 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 (7/0).

O-13-49 *called earlier in meeting.*

O-13-50 (ORDINANCE NO. 8539 – MAYOR SMITH)

AN ORDINANCE WAIVING BUFFER ON WESTERN BOUNDARY OF CERTAIN PROPERTY LOCATED AT NORTHWOOD CREEK SUBDIVISION, LOT 1 (THE VILLAS AT NORTHWOOD CREEK), IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend the rules and place the ordinance on its second reading was made by Alderwoman Ross and seconded by Alderman Baxter. Mr. Robert Voyles, Planning Director advised this will be a community for senior citizens. Structures will be duplexes with garages. The previous plan was for quadplexes. The change requires an additional 4 feet which will encroach the designated 30 foot buffer. There is commercial property to the west. This is a platted buffer which requires council approval. On the previous motion, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Hight 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 (7/0). The ordinance was read a third and final time. Alderman Witcher asked about zoning on the west side. Mr. Voyles advised C-3 and I-2. On the motion of Alderwoman Ross and seconded by Alderman Witcher, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*requested by David Haas*)

PUBLIC COMMENT

Mayor Smith advised of a street failure on Colonel Maynard Road as a result of heavy rains. A letter was sent to residents in the area advising them of the situation. An emergency has to be declared to waive bidding. Mayor Smith will introduce legislation at the next council meeting regarding the same. City Engineer Mike Smith referenced a picture of the area and a 4 inch gas line that was exposed. If it rains again, most or all of the road may be lost. Mayor Smith said that drainage basin drains thousands of acres of farmland. The river is up which has added to the drainage issue. The cost of the repairs is \$56,000.00. Mr. (Mike) Smith said repairs will begin immediately. Mayor Smith said there may be a flow meter issue at the CNG (Compressed Natural Gas) Station. The city fleet and AT&T are using the facility daily (approximately 50 vehicles per day). The cost is estimated at \$25,000.00. Alderwoman Ross asked if this was under warranty. Mayor Smith said it is not. This item is on the actual meter. Alderwoman Ross said a group of volunteers are in town working on houses as part of the Ozark Mission Project. Mayor Smith met the Mayor's Summer Youth Interns today. This is the largest group the city has ever had (approximately 40). Mr. James Ard thanked the Police Department for responding to a suspect. Mr. Ard said he is not allowed to call Code Enforcement. Mayor Smith asked Police Chief Mike Davis to let officers know this. Mr. Arnold Bell spoke regarding flooding

problems at Morrison Chapel Baptist Church at 2105 Eanes Road. For the past three months, water has been backing up in the area. He spoke with both the State Highway Department and Railroad who have checked and found no blockages. He referenced the area where all of the water drains (Taylor's Wrecking Yard). Last Friday water was within one inch of entering the church. He asked if the council could look into the issue. Mr. (Mike) Smith was at the church today and saw the levee around the church. Water in the bayou area along with other things have caused the current issue. Mayor Smith asked Mr. (Mike) Smith to check with him further regarding the same. Mr. Robert Bell spoke regarding the said the water source at Eanes Road. He said the water meanders through the area and is backing up where it ends at highway 70 and has backed up to the old radio station. The elevation appears to drain toward the church. He also looked at the city's 100 year flood map.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Witcher, and by consent of all members present, the meeting was adjourned at 7:38 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, June 24, 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