

September 9, 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, September 9, 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.

Alderman Foutch introduced Pulaski County Tax Assessor, Janet Troutman Ward who provided the invocation, followed by the pledge of allegiance to the flag which was also led by Assessor Troutman-Ward .

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, August 26, 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, communication #1 was accepted and filed (8/0).

1. Mrs. Karen Scott, Finance Director/ Chairman North Little Rock Rock Electric Energy Risk Management Committee memorandum to City Clerk Diane Whitbey re: Energy Cost Recovery Rider Adjustment Factor September, 2013, \$.0038/kwh.

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

2. Miss Julie Fisher, Mayor's Office – North Little Rock wins two Leadership Awards from Governor's Council on Fitness. (Fit 2 Live – Built Environment Leadership Award, and Fit 2 Live Coordinator Bernadette Gunn-Rhodes – Individual Leadership Award). Alderwoman White and Mayor Smith congratulated Mrs. Gunn-Rhodes for her achievements.

Mayor Smith read a proclamation proclaiming the date as Mr. Todd White Day in honor of his work on the Mars Entry Descent and Landing Instrumentation Project for Mars Science and Laboratory Mission, which has been beyond impressive. He recently received a citation for exceptional engineering achievement by NASA. His work provided information from the planets Venus, Earth, Mars, and Saturn. Mr. White is a Research Scientist at the NASA Ames Research Center in northern California. He is an on-site contractor with ERC Incorporation in the Aerothermodynamics Branch of

the Space Technology Division. Mayor Smith then presented the proclamation to his mother, Alderwoman White.

Mayor Smith invited State Representative Eddie Armstrong to come forward. Representative Armstrong is the Chairman of the Junction Bridge Board of Directors. He invited everyone to the Third Annual River Boat Junction Bridge Regatta September 21, 2013. Last year, North Little Rock and Little Rock Police and Fire Departments competed in rowing races. Entertainment will be provided by Blues Band Mojo Depot. There will be activities for people of all ages.

Mayor Smith invited Mr. Steve Owen, Arkansas Inland Maritime Museum (AIMM) Board member to come forward. Members included Retired Army General Don Morrow, Bob Major-North Little Rock Advertising and Promotion Director, Charlie Foster-Architect, Kathy Owen-Chairman of the Board Eagle Bank and Trust, Stan Hastings, President and CEO-Moon Distributors, former North Little Rock Mayor Patrick Henry Hays and former U. S. Congressman Vic Snyder. Mr. Owen provided an overview of the Arkansas Inland Maritime Museum (AIMM) and efforts to acquire the U.S.S. Hoga Tugboat. Mr. Owen advised 117,209 people visited the museum (and submarine) between 2006 and 2012. A total of 84,456 volunteer hours were recorded. People from around the state, country and world have visited the attraction. Visitors are staying in local hotels and eating in local restaurants. The Economic Impact to our city is significant. Multiple school groups from within and outside the state have visited the museum and submarine (U.S.S. Razorback). Multiple people have paid for the opportunity to spend the night on the submarine. Between January and July 2013, 11,346 people have visited the museum. A mooring fee is now charged. Last week several people came to the museum by boat and tied up to the mooring at the sub while staying at the Wyndham Hotel. Mr. Owen reviewed a list of locations where visitors are from. A bridge lighting ceremony will be held December 7, 2013. Veterans from around the country will be in town for the event. The Arkansas River Historical Museum will be relocating to North Little Rock from the Port of Catoosa, near Tulsa, Oklahoma. The museum was formed 35 years ago as a location to gather artifacts from the Arkansas River from before it was navigable and before Arkansas was a state. There are thousands of pictures (paddle boats and steam boats) and documents related to the river. Mr. Owen advised a group visited the World War II Tugboat (which was in Pearl Harbor) the Hoga in California and learned its roll during the bombing of Pearl Harbor. Mr. Stan Hastings provided photographs of the boat before it went into dry-dock and after 11 months of renovations. Thousands of volunteer hours, paint, steel and other items were donated. The local community took an interest in the vessel which is the last floating vessel from Pearl Harbor. Two-thirds of the bottom of the boat has been replaced and there is new steel on the decks, etc. It has been painted to look like it did while in Pearl Harbor. This group is working hard to get the vessel to North Little Rock. The plan is to have the 106' tugboat towed from its location outside San Francisco to either Vancouver or San Diego. The vessel would then be put on a ship for transport. Mr. Hastings did not know the exact cost at this time. Alderman Witcher said he read an article regarding the motors on the sub (U.S.S. Razorback). Mr. Owen advised the motors were started recently. There

are 27 Museums around the world that have submarines. Only three have submarines that will run. The U.S.S. Razorback is a World War II submarine with running engines.

Mayor Smith announced citizen comment on agenda legislation. No one signed in to speak.

### **UNFINISHED BUSINESS**

*None.*

### **CONSENT AGENDA**

R-13-166, R-13-167, R-13-168, R-13-169, R-13-170, and R-13-171.

On the motion of Alderwoman Ross and seconded by Alderwoman White, and by voice vote and all members present having voted aye, consent agenda items R-13-167 and R-13-168 were unanimously adopted (8/0). The remaining items were pulled and voted on individually.

\*R-13-167 (RESOLUTION NO. 8402 – ALDERMAN WHITE)

A RESOLUTION ACCEPTING A LICENSE AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A COMMUNITY GARDEN LICENSE AGREEMENT WITH ST. JOSEPH CENTER OF ARKANSAS, INC., AND FOR OTHER PURPOSES, was adopted (8/0).

\*R-13-168 (RESOLUTION NO. 8403 – ALDERMAN WHITE)

A RESOLUTION RENEWING AND AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A COMMUNITY GARDEN LICENSE AGREEMENT WITH EDMONTON IN PARK HILL, LLC: AND FOR OTHER PURPOSES, was adopted (8/0).

R-13-166 (RESOLUTION NO. 8404 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN AGREEMENT WITH PULASKI COUNTY FOR ANIMAL POPULATION CONTROL SERVICES AND ASSISTANCE BY THE NORTH LITTLE ROCK ANIMAL CONTROL DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Ross. Mr. Billy Grace, Director Animal Control said the city has been receiving animals from outside the city limits for four years. An “open-door” shelter is important to the community along with spay and neuter programs. These help control the animal population. Mayor Smith said Pulaski County Judge Buddy Villines said the county will try to provide more funding in the future. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (\$75,000.00 – 2014)

R-13-169 (RESOLUTION 8405 – ALDERMAN ROSS)

A RESOLUTION EXTENDING THE TIME FOR THE NORTH LITTLE ROCK OUTDOOR STORAGE TASK FORCE TO COMPLETE ITS STUDY AND PRESENTATION OF FINDINGS

TO CITY COUNCIL; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Baxter. Alderwoman Ross said it took a while to get members appointed to the task force. Therefore, an extension on the time to present the findings of the task force is needed. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). *(extended to 12-31-13)*

R-13-170 (RESOLUTION NO. 8406 – MAYOR SMITH)

A RESOLUTION ACCEPTING THE LOW BID OF HCMS FOR OVERHAUL OF MURRAY HYDRO UNIT 2 TURBINE; APPROPRIATING FUNDS (\$4,591,077.76 plus tax); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. Mr. C. Jason Carter, City Attorney and Acting General Manager North Little Rock Electric Department said the Hydro Plant is approximately 25 years old--in terms of Hydro Electric Plants it is not old. There are plants that have been operating for 100+ years. Our rope packing system and overhaul will add longevity. Water flow on the Arkansas River has been up which has been (financially) beneficial. The department is trying to forecast an overhaul in the future. Mayor Smith said in 2014 Budget, the city will begin setting aside funds in a maintenance account for future overhaul needs. Alderman Witcher said there was a \$600,000.00 difference in the bid amounts. Mr. Carter said the low bid did not include certain repairs (approximately \$1.1 million). The bidding documents were voluminous and detailed. Alderman Foutch asked how this amount will affect the budget. Mr. Carter said numbers related to current power negotiations are optimistic. Funds saved in this area and others could offset this expenditure. Alderwoman Ross asked if the Hydro was generating income. Mr. Carter said the focus should not be on debt associated with the Hydro Plant. Renewable resources are expensive. The plant is green and there are no fuel costs. It is also a generational asset. The question should be regarding funds for operations and maintenance. The plant continues to be a revenue source. Alderwoman Ross asked the costs to shut down the Hydro Plant. Mr. Carter said costs to decommission the plant would be substantial. When the cost of power is low, the economic value to generate power is lower. Alderman Witcher asked the current rate of power. Mr. Carter said it is \$53.96 per megawatt hour. Mr. Carter said rates were forecast to be much higher when the plant was first built. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-13-171 (RESOLUTION NO. 8407 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE ELECTRIC DEPARTMENT GENERAL MANAGER TO ENTER INTO COST-SHARING AGREEMENTS FOR PROFESSIONAL SERVICES RELATED TO THE ACQUISITION OF ELECTRIC GENERATION PLANTS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. Mr. Carter said Sister Cities (such as Conway and Jonesboro) are exploring other power generation assets (like natural gas generation). On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

## **NEW BUSINESS**

R-13-172 (RESOLUTION NO. 8408 – MAYOR SMITH, ALDERMEN ROSS, WHITE, TAYLOR, ROBINSON, BAXTER, FOUTCH, HIGHT, AND WITCHER)

A RESOLUTION EXPRESSING CITY COUNCIL SUPPORT OF THE NORTH LITTLE ROCK APPLICATION TO METROPLAN FOR JUMP START PROJECT FUNDS (\$50,000.00 - \$15,000 local Economic Development Agency and \$35,000 – General Fund); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. Without objection, all eight council members were added as cosponsors. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-13-173 (RESOLUTION NO. 8409 – MAYOR SMITH)

A RESOLUTION APPROVING THE 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 Baxter. 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 unanimously adopted (8/0).

O-13-82 (ORDINANCE NO. 8566 – ALDERMEN TAYLOR AND ROBINSON)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO ESTABLISH THE HIGHWAY 161 SIGN OVERLAY DISTRICT; 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 Alderman Taylor and seconded by Alderman Baxter, 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 the location of a sign referenced at the previous council meeting. Alderman Taylor said it would be about half-way between Bethany Road and Interstate 40. The sign would be a monument sign (maximum height 6’). Mr. Robert Voyles, Planning Director said the sign would be an Electronic Changeable Copy sign with the price of gasoline on it. On the motion of Alderman Taylor and seconded by Alderman Foutch, 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-13-83 (ORDINANCE NO. 8567 – ALDERWOMAN ROBINSON)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A DAY CARE CENTER IN AN R-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2401 E. WASHINGTON AVENUE 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, all readings were suspended (8/0). A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Alderwoman Ross asked about the hours of operation (5:00 a.m. – midnight) and about security or lighting in the area. Alderwoman Robinson has not received any complaints from residents in the neighborhood regarding hours of operation. The applicant would like to be able to be open until midnight for clients who may need to drop off a child to attend a meeting or other event and for people who work later hours. There is only one day care in the area. Pick up and drop off would be off of Laurel Street. There is lighting on the church property and the street. 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: Ms. Irene Brown*)

O-13-84 (ORDINANCE NO. 8568 – ALDERMAN TAYLOR)

AN ORDINANCE APPROVING A REQUEST TO WAIVE MASTER STREET PLAN REQUIREMENTS FOR INTERSECTING DISTANCES FOR THE PROPOSED WILCOX WAY LOCATED SOUTH OF U.S. HIGHWAY 165 AND FIBER OPTIC DRIVE INTERSECTION IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Robinson and seconded by

Alderman Taylor, 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 Robinson 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 ordinance was read a third and final time. A motion to adopt was made by Alderwoman Robinson and seconded by Alderman Taylor. Alderman Witcher asked if this complies with the states ingress/egress requirements. Mr. Voyles said it does. However, it does not comply with the city's requirements. 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: Basil D. Shoptaw*)

### **PUBLIC COMMENT**

Mr. Thomas Crnko played an audio recording he made from his home September 6, 2013 at 8:00 a.m. A nuisance business exists near his neighborhood which emits obnoxious sounds and noxious stinky odors from creosote. This goes on 48 hours a week. The Susan G. Komen Race for the Cure and a Bike Race will be passing by the location soon which will include thousands of participants. There are also 74 new apartments going into the neighborhood. His neighbors are annoyed by the business as well. The business moved to this location in October 2012. Mr. Crnko asked the status of the review by the city. Mayor Smith said this is under review by the legal department. Alderwoman White said GED Classes are currently being offered at the Sherman Park Recreation Center and the main Community Center. Alderwoman Ross said Saturday, September 21, 2013, will be Dark Hollow Days. A parade will commence at 11:00 a.m. at Curtis Sykes and North Hills Boulevard. There will also be

food, entertainment and fellowship. Mayor Smith thanked council members for attending a recent Water Summit hosted by Central Arkansas Water. All council members attended. There will be a presentation (to the City Council) September 26, 2013, beginning at 6:00 p.m. regarding Major Medical Proposals. Finance Director Karen Scott will be contacting council members regarding the same. Mayor Smith said there will be several presentations between now and the end of the year. Alderman Hight made a motion to start the remaining council meetings at 6:00 p.m. until the end of the year which was seconded by Alderwoman Ross. He said this would provide a consistent start time. Mayor Smith said he can send out a notice of Special Presentations or not. Alderwoman White asked about meetings that did not include presentations. Alderwoman Ross said presentations could be held at 6:30 p.m. On the previous motion, and the following members having voted no: Ross, White, Taylor, Robinson, Baxter and Foutch, and the following members having voted yes: Hight and Witcher, the motion failed (2/6).

There being no further business to come before the Council, and on the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 7:31 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, September 23, 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