

November 9, 2015
Six 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 9, 2015, was called to order at 6:00 p.m. by the Honorable Acting Mayor Beth White.

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, and CHARLIE HIGHT (7/0). Alderman MURRY WITCHER was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The prayer and pledge of allegiance were led by Alderman Hight.

On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the minutes from the North Little Rock City Council and a Special Call meeting held on Monday, October 26, 2015, were approved, accepted and filed as prepared by the City Clerk (7/0).

Acting Mayor White advised Veteran's Day will be celebrated this week and asked that those present who had served in the military to stand and be recognized. She then thanked all for their service and dedication. Alderwoman Ross advised the Arkansas State Veteran's Ceremony will be held at Laman Plaza for the first time on Wednesday, November 11, 2015, at 11:00 a.m. The Honorable Governor Asa Hutchinson will be the guest speaker. In the event of rain, the ceremony will be held in the gymnasium at the Community Center. Everyone was invited to attend.

On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, communication #4 was read, accepted and filed (7/0).

4. Mayor Joe A. Smith letter to City Clerk Whitbey and City Council members re: out of town. Alderwoman Beth White to preside over City Council meeting.

On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, communications #1, 2, and 3 were accepted and filed (7/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – Replacement from Jongbaek Ha* for Super Stop Main Street fka Main Street Shell, 1400 Main Street by Kyong Son.
2. Mayor Joe A. Smith letter to City Council members re: appointment of David Cook as City Engineer.
3. Karen Scott, Finance Director, Chairman Energy Risk Management Committee memorandum to City Clerk Whitbey re: ECR Adjustment Factor November, 2015 (\$.0116) credit.

On the motion of Alderman Taylor and seconded by Alderman Hight, and by consent of all members present, communication #5 was read by title only, accepted and filed (7/0).

5. C. Jason Carter, City Attorney, letter to Montgomery Barnett, L.L.P, attn.: Joseph P. Tynan, Esq re: Retention Agreement regarding recovery of the USS Hoga.

Mr. Carter advised this agreement is with a law firm in New Orleans / Baton Rouge, Louisiana pertaining to arrangements made by AIMM (Arkansas Inland Maritime Museum) to move the Hoga to North Little Rock. There was a problem with the shipper, after which the above mentioned law firm was retained. The city is joining for the purpose of insuring the protection of the Hoga, which is a historic landmark. Mr. Carter said the issue may be resolved quickly. Alderwoman Ross asked if there was an additional cost to the city. Mr. Carter said the city may cost-share a portion (attorney fees). Mr. Carter said the outside council is familiar with Maritime Law. Alderman Hight asked where the Hoga was at this time. Mr. Carter said it was in the vicinity of Houston (Texas). Alderwoman Ross verified that everything was being funded by private donations.

Alderman Baxter advised he was notified that sound was not going out on Comcast.

Acting Mayor White announced citizen public comment. No one spoke.

UNFINISHED BUSINESS

O-15-65

AN ORDINANCE ESTABLISHING THE NORTHSORE LANE MULTI-PURPOSE MUNICIPAL IMPROVEMENT DISTRICT NO. 36 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by Acting Mayor White for the sponsor, Mayor Joe A. Smith. *Note: this item has been on the agenda six times and will be pulled by the City Clerk.*

CONSENT AGENDA

None filed.

NEW BUSINESS

R-15-155 (**RESOLUTION NO. 8881 – MAYOR SMITH**)

A RESOLUTION AMENDING RESOLUTION NO. 8878 TO CLARIFY GUIDANCE FOR THE DEVELOPMENT OF SOLAR POWER FOR CUSTOMERS OF THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. Mr. Carter advised Mr. Patrick Stair approached him following the previous council meeting and provided information relevant to the issue. Mr. Stair pointed out there were some areas that might not work with regard to solar power. The intent is for people to be able to install capacity that meets their peak need. Merchant Plants are not desired. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-15-156 (RESOLUTION NO. 8882 – MAYOR SMITH)

A RESOLUTION APPROVING AND CERTIFYING AMOUNTS OF LIENS TO BE FILED WITH 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 Baxter and seconded by Alderman Taylor. Acting Mayor White 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-15-87 (ORDINANCE NO. 8776 – MAYOR SMITH)

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 12 (PUBLIC SAFETY) TO ADD A SECTION ON PEDESTRIAN RESTRICTIONS IN OR NEAR ROADWAYS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. Chief of Staff Danny Bradley advised this pertains to a section that was inadvertently left out when the Public Safety Chapter of the (North Little Rock Municipal) Code was remodified. On the previous motion, 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).

O-15-88 (ORDINANCE NO. 8777 – MAYOR SMITH)

AN ORDINANCE AMENDING THE NON-UNIFORMED EMPLOYEES’ POLICY AND PROCEDURE MANUAL; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Alderman Taylor and seconded by Alderman Baxter. Alderman Foutch referenced Exhibit “B” under the paragraph pertaining to Prohibited Activity. The language referred to “company” policy. Alderman Foutch asked if it should read “city” policy. Mr. Carter said the language has to do with security access for employees during work hours. Alderman Taylor said the city is a company. Mr. Carter said the wording is an adaptation from a generalized policy and either company or city would work since the city is a Municipal Corporation. On the previous motion, 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).

PUBLIC COMMENT

Mr. James Ard spoke regarding the Richards Cemetery issue (discussed during previous meetings). He said when the legislation was adopted in 2010, council members weren’t advised of a cemetery in the area. He then asked questions of Aldermen in Ward 4. The city should do something to help. Mr. James Humphrey said he represents the Holt, Neely Road Sewer Project. He spoke regarding a request

for sewer service in the area. He presented a Petition requesting North Little Rock Waste Water put a Sewer Line down Holt Road to City Attorney Carter containing 16 signatures. He then asked the council to extend a sewer line to Holt / Neely Road. Mr. Humphrey said 6500 Holt Road has sewer service. It is unfair to other residents to not have it. He then passed around photos (manhole covers and a pump station). A sewer line is needed. The sewer system in the area is old and has deteriorated. Soil in the area does not “perk” well. Sewage has backed up and some units have caved in. Sewage is toxic and poses a health threat to the residents. Extension of the sewer line would eliminate the health threat and get rid of sewer waste in the best and safest way possible. The cost of the project is estimated at \$108,241.10. Alderman Taylor asked Mr. Humphrey what his address was. Mr. Humphrey advised he lives on Cedar Street. Alderman Foutch asked if the sewer line were extended would residents be prepared to accept the cost to connect to the line. Connectivity to the homes is the responsibility of the property owner. Mr. Humphrey said he was advised (by North Little Rock Waste Water) that the cost included hookup. However, if homeowners have to pay to hook up, they will. Alderman Taylor said the \$108,000.00 does not include residents connecting to the line. Alderwoman Ross asked if the addresses on the petition represented the homes requesting the sewer line. Mr. Humphrey said some were and others were supporting the request. Mr. Humphrey said there are four (4) houses that do not have sewer service. Alderman Taylor said Ward 2 does not have funds for the project, nor does Waste Water. Alderwoman Ross asked how much it would cost homeowners to connect. Alderman Taylor estimated between \$5,000.00 and \$10,000.00 per household. Alderwoman Robinson said it was suggested that the group form an Improvement District and asked the status of the same. Mr. Humphrey said that was not an option, the area is too small. Dr. Tommy Piggee said this needs to be done. Citizens of the city should be afforded the opportunity of all citizens. He then referenced the drainage field and wetlands in the area and the potential for contamination. Flooding was also mentioned. A damaged drainage field could contaminate multiple individuals. The cost of extending sewer service versus the costs of an environmental sewage contamination needs to be considered. Mr. Jeffrey Miller owns 6609 Holt Road and plans on putting houses there. He has six (6) children with asthma. The septic tanks are getting old and are deteriorating. He said loose sewage could be harmful to his family. He doesn’t want to have to worry about his children falling into a septic tank or getting sick because of (sewage) backing up. A large family creates a lot of waste. He asked the council for their help. Alderwoman Ross said she understands the request, but also respects the opinion of (North Little Rock) Waste Water. This is not the only area in the city with septic tanks. There are other areas that are larger with more homes that haven’t been able to connect to city sewer service. She has also talked to residents who prefer their septic tanks because they aren’t paying a month waste water bill. Alderwoman Robinson said there are people in the area of Holt Road who do not want city sewer service. Alderman Baxter said the Laman Library is considering forming a Friends of the Library organization. Two (2) informational meetings will be held Thursday, November 12, 2015, at 3:00 p.m. and at 6:00 p.m. Anyone interested was invited to attend.

There being no further business to come before the Council, and on the motion of Alderman Foutch and seconded by Alderman Taylor, and by consent of all members present, the meeting was adjourned

at 6:37 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, November 23, 2015, at six 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