

May 29, 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 meeting scheduled for Monday, May 28, 2012, which was rescheduled to Tuesday, May 29, 2012, (due to the Memorial Day Holiday) 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, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, and CHARLIE HIGHT (6/0), a quorum was declared. Aldermen BETH WHITE and MURRY WITCHER were absent. Assistant City Clerk Linda Marshall and City Attorney C. Jason Carter were also present.

Mayor Hays advised Alderwoman White's father had a serious fall and several recent surgeries. She is with the family. Alderman Witcher was absent due to a personal matter.

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

On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the minutes of a regular council meeting held on Monday, May 14, 2012, were approved, accepted and filed as prepared by the City Clerk (6/0).

On the blanket motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, communications #1, 2, and 3, were not read, accepted and filed (6/0).

A presentation on the agenda regarding the Boot Camp Campaign was held.

Mayor Hays announced citizen public comment on agenda legislation. Mr. Joe Reynolds spoke against O-12-53. A Conditional Use was approved recently allowing a tire shop. Now the applicant wants to include brake repair and inside auto detailing. The building only has two bays. He had concerns with regard running three businesses in a small building. He had no problem with the request itself. There appears to be a lean-too on the back of the building. The city needs to follow-up and make sure people are doing what they say they are going to do.

UNFINISHED BUSINESS

O-12-42 (ORDINANCE NO. 8448 – ALDERMAN BAXTER *for consideration only*)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AUTO SALES IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4108 MacARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR

OTHER PURPOSES, was read three times April 23, 2012, was read again this date. The owner, Mr. Byron McKimmey was present. He said the man who will occupy the property has an automobile repair business with one employee, his brother. The majority of their business is auto repair. He asked for three (3) to four (4) spaces to sell vehicles from. The Planning Commission authorized five. They would have seven (7) spaces without being in the highway right-of-way. Alderman Baxter asked about chemical residue left by a previous tenant. Mr. McKimmey provided reports indicating the property had been cleaned up and referred to illustrations regarding parking in the highway right-of-way. Alderman Baxter asked why parking was allowed at the buildings on either side of this location. Mr. Robert Voyles, Community Planning Director said this is a State Highway. The city cannot guarantee use of state right-of-way. Mr. Voyles said the square footage of the private property was used to determine how many vehicles are allowed. The city cannot extend private use to state highway property. Alderwoman Ross said only five (5) vehicles are allowed in the legislation. Mr. McKimmey said there were seven (7) spots without being on the state right-of-way. Mr. Voyles said the maximum would be seven (7). Mayor Hays asked what is permitted. Mr. Voyles said five (5). The applicant, Mr. Michael Clayton said the illustration indicates seven (7) spaces, but only five (5) were requested. Alderwoman Ross said wrecked vehicles are not allowed. She asked about the shared expense for clean up of the site (contamination). Mr. McKimmey understood it would be a 50/50 split. Alderman Baxter said proper certification is required. Mr. Carter said the reimbursement does not “run with the land”. On the motion of Alderman Baxter and seconded by Alderman Foutch, and the roll having been called, and all members present having voted in the affirmative, with the exception of Aldermen Taylor and Baxter, and the Mayor having voted yes, the ordinance was adopted (5/2). On the emergency clause, all members present voted in the affirmative with the exception of Alderman Taylor who voted no, and Mayor Hays having voted yes, the emergency clause was adopted (6/1). (*applicant: Mike Clayton*)

O-12-46

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN ICE VENDING MACHINE STAND IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4607 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time May 14, 2012, was read a second time and held by the sponsor, Mayor Hays. (*applicant: Bill Looper*)

NEW BUSINESS

R-12-84

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4201 REDDING LANE 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 called and held by the sponsor, Mayor Hays. (*owners: Alfred Turley and Dow Turley*)

R-12-85

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 115 SOUTH LAUREL 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 called and held by the sponsor, Mayor Hays. (*owner: Annie L. Watson*)

R-12-86

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1400 EAST WASHINGTON AVENUE 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 called and held by the sponsor, Mayor Hays. (*owner: William H. Jones, Jr.*)

R-12-87

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1404 SYCAMORE 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 called and held by the sponsor, Mayor Hays. (*owner: Pamela Lois Martin McDaniel McQuaid*).

R-12-88 (RESOLUTION NO. 8070 – MAYOR HAYS AND ALDERMAN WHITE)

A RESOLUTION ACCEPTING LICENSE AGREEMENT AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A COMMUNITY GARDEN LICENSE AGREEMENT WITH AARON REDDIN FOR “THE ONE, INC.”; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the resolution was adopted (6/0).

R-12-89 (RESOLUTION NO. 8071 – MAYOR HAYS, ALDERWOMAN ROSS AND WHITE)

A RESOLUTION APPROPRIATING \$68,675.00 FROM THE GENERAL FUND FOR THE CODE ENFORCEMENT DEPARTMENT DEMOLITION AND DEBRIS REMOVAL PROGRAM; AND FOR OTHER PURPOSES, was read. Alderwoman Ross asked if the city could deny issuing a business license to anyone if they owe funds to the city. Mr. Carter said the city’s business practices need to be discussed and reviewed. Alderman Foutch asked where funds go when they are returned to the city. Mr. Carter advised the General Fund. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (6/0).

Mayor Hays asked Mr. Carter to review the City of Little Rock's legislation regarding doing business with "home-grown" companies due to their location within the city and if this is something North Little Rock should consider.

O-12-52

AN ORDINANCE AMENDING ARTICLE NINETEEN (BOARDS) AND ADDING ARTICLE TWENTY-THREE (SMART CODE ZONING DISTRICT) TO ORDINANCE NO. 7697 (THE ZONING ORDINANCE); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was

read. Mayor Hays asked Mr. Carter and/or Mr. Voyles to comment on this legislation and said this is a voluntary section of the code. The requirement is a minimum of 20 acres (or more) and a development plan. On the motion of Alderman Baxter 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 (6/0). 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 (6/0). The ordinance was read a third and final time. Mr. Carter said there is a movement for cities and towns across the country to become more unified. Zoning, subdivision development, and property owners' Bill of Rights (or Assurance). This would govern the use of property and governmental requirements. If adopted, North Little Rock would be the third city in the state to do this. The cities of Fayetteville and Conway are currently doing this and seem to be satisfied with the results. This proposal is more conservative. Mr. Carter said a 20 acre block of land is required. Mr. Voyles referenced the beginning of (our) zoning in 1929. After World War II the makeup of cities changed due to growth. Zoning was administered locally and uniformly to create property value and improve quality of life. A more walkable and denser community is desirable. In 1993, the city adopted a C-6 category for downtown. Mr. Voyles referenced a Use Table included with the legislation and referenced transects. The Planning Commission and staff have worked with the Downtown Development group and others regarding proposals. Alderman Foutch asked who are "they" Mr. Voyles referred to. Mr. Voyles said a group of people from the downtown area. Alderman Foutch asked the effect on people outside the downtown area. Mr. Voyles said this is voluntary. Alderman Foutch asked what would happen if someone within a 20 acre section who did not want to participate. Mayor Hays said it is entirely voluntary with a 20 acre minimum. Alderman Foutch asked the difference between this and a Property Owner's Association. Mr. Carter said this would incorporate elements of a Bill of Assurance, Zoning, and Governmental Exactions. Alderman Foutch asked who would pay for the cost of developing common areas. Mr. Voyles said they don't have a clear answer to these questions at this time. Mayor Hays said the Smart Code is an additional development tool. Alderwoman Ross asked why a separate Board of Adjustments was needed. Mr. Carter recommended a board with members appointed by the government. Mr. Carter also advised the Attorney General of Arkansas defines that the International Building Code is the law of the state. On the motion of Alderman Taylor and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows: *page 9, Section 23.13 A. 1. strike before consideration by the Design Review Board* (6/0). On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was again amended as follows: *page*

3, Section 23.3 D. ~~strike those of all city ordinances, including but not limited to~~ (6/0). There being no further discussion, the ordinance was then held. Mayor Hays asked council members to review the legislation and have other proposed amendments at the next council meeting.

O-12-53 (ORDINANCE NO. 8449 – ALDERMAN BAXTER)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A TIRE STORE, BRAKE SHOP AND AUTO DETAILING IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4701 CAMP ROBINSON ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of

Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (6/0). 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 (6/0). The ordinance was read a third and final time. Alderman Hight drives by the location. He has seen an automobile jacked up in front of the building. The applicant, Mr. Alamilla said he does not work on vehicles outside.

Alderman Hight asked if he changed tires outside. He has two bays. Alderman Hight asked where the applicant was going to put additional vehicles. Mr. Alamilla wants to be able to offer to clean the vehicle interior while changing tires or working on brakes. Alderwoman Ross referenced Section 2: c) which specifically does not allow work or detailing outside of the building. Mr. Carter advised there is a Conditional Use at this location which allowed a tire shop. This legislation is a second Conditional Use on the same location. Mr. Voyles said any work outside would be a violation of the current Conditional Use. Mr. Voyles said this is an expansion to the original use. Alderwoman Ross commended the applicant on the aesthetics of the building. On the motion of Alderman Baxter and seconded by Alderwoman Robinson, and the roll having been called and all members present having voted in the affirmative, with the exception of Alderman Hight, who voted no, the ordinance was adopted (5/1). Emergency clause adopted (6/0). (*applicant: Cesar Alamilla*)

O-12-54 (ORDINANCE NO. 8450 – ALDERMAN BAXTER)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A WAREHOUSE/OFFICE WITH OVERHEAD DOORS IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT THE NORTHEAST END OF RICHARDSON DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the

motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (6/0). 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. The roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0). (*applicant: Mark Redder*)

PUBLIC COMMENT

Alderwoman Robinson asked for information on setting up bicycle trails in Ward 2. Mayor Hays said the city has a part-time bicycle coordinator, Willa Williams. Mr. Voyles and Fit 2 Live Coordinator, Bernadette Rhodes would also be able to assist. Alderman Hight said Ward 2 has a bicycle trail, Harper’s Loop. Alderwoman Robinson said they would like to see something in their neighborhoods for use by children and adults. Mayor Hays reviewed efforts in other areas of the city regarding the same. Mr. Voyles said there is a Bike Plan included in the Master Street Plan. It was designed for connection purposes. Mr. Voyles reminded the public that bicyclists should ride with the flow of traffic, not against it. Mrs. Rhodes said a Youth Bike Skills Workshop has been scheduled for Saturday, June, 2, 2012, at the Soccer Fields in Burns Park from 9:00 a.m. until 1:00 p.m. This is in conjunction with National Trails Day. Everyone is invited. Mayor Hays said people from the city and surrounding communities participated in “Bike to Work Day” last Friday. More people are using bicycles for transportation instead of or in addition to recreation. Mayor Hays said Arkansas ranked 50th among the United States as a Bicycle Friendly state. Alderwoman Ross referenced the area under the interstate in Levy. The State Highway Department has approved plans which will allow some concrete work and plants. Alderman Fouch thanked the Police and Fire Departments and volunteers who participated in the Special Olympics Torch Run. Mayor Hays mentioned the opening of the Little Rock Film Festival in North Little Rock at the Argenta Community Theatre. Alderwoman Robinson asked if the city could make arrangements for parking for council members when the council meeting coincides with an event at Verizon Arena. Mr. Reynolds had concerns in the Amboy neighborhood (on MacArthur) regarding a detail shop. They have moved in a building and wash cars outside. Non-profit and church groups cannot legally have car washes so why this one do it. There is a new business (Used Car Sales) at the corner of Parkway and MacArthur with cars parked that are blocking the view of on-coming traffic.

There being no further business to come before the Council, and on the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the meeting was adjourned at 8:33 p.m. (6/0), until the next regularly scheduled meeting to be held on Monday, June 11, 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