

July 8, 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, July 8, 2013, was called to order at 6:31 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 Alderwoman White, followed by the pledge of allegiance to the flag which was also led by Alderwoman White.

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, June 24, 2013, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the blanket motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, communications #1, 2, 3, 4, 5, 6, 7, and 8 were, accepted and filed (8/0).

1. Glinda Craigmyle, Mayor's Office memorandum re: *Private Club & Restaurant Beer & Wine – NEW* for The Joint Argenta, 301 Main Street, #102, by Victoria A. Ferrell.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer off Premises – NEW* for Hebron of Arkansas, 6109 Crystal Hill Road, by Joseph M. Park.
3. Glinda Craigmyle, Mayor's Office, memorandum re: *Retail Beer off Premises – Replacement from Jacqueline C. Covey* for JFK Shell 1030 fka Indian Hills Shell #1030, 6915 JFK (John F. Kennedy), by Jacqueline D. Covey.
4. Glinda Craigmyle, Mayor's Office, memorandum re: *Restaurant Beer & Wine – NEW*, for North Little Rock Athletic Club, 3804 McCain Park Drive, by Diane Daws.
5. Mayor Smith letter to City Council re: Report on School Resource Officers (SRO) discussions with North Little Rock School District being delayed until after new Superintendent takes office July 1, 2013.
6. Karen Scott, Chairman Energy Risk Management Committee memorandum re: ECR Adjustment Factor approved \$.0025/kwh during the month of July 2013.
7. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer and Small Farm Winery – change of manager from Joseph Hardin* for Argenta Market, 521 Main Street, by John Gaudin.
8. Mayor Smith letter to Interim North Little Rock Police Chief John Michael Davis re: appointment as Chief of Police effective July 8, 2013. Salary of \$95,194.11.

Mayor Smith convened a public hearing scheduled for 6:30 p.m. regarding O-13-61, reclassifying property at 5806 MacArthur Drive to allow Auto Sales. Mr. Joe Reynolds lives in Ward 3 and has for 30 years and represents his property owners association. They are opposed to this request. If approved and the Used Car Lot fails, the zoning would stay with the property. A Liquor Store or Pawnshop could then go in at the location. Between Pershing Boulevard and the 5800 block of MacArthur there are (currently) seven used car lots. The lot is small and narrow and encroaches on a residential property next door. Mr. Todd Armstrong who owns the property said there will not be a problem with a Liquor Store or Pawn Shop. He has talked to his neighbor who is fine with the reclassification request. There being no one else wishing to be heard, the public hearing was adjourned.

Mayor Smith convened a public hearing scheduled for 6:30 p.m. regarding O-13-62, establishing the Indian Hills Restricted Parking District. Mr. Bill Sosebee has lived on Flintrock 21 years. He is opposed to the 25 foot maximum RV length proposed for the Indian Hills Parking District. Mr. Sosebee provided slides of various parking and property issues in the neighborhood, including cracked and crumbling driveways, overgrown lawns, gutters and soffits in need of repair, roofs with tarps on them and more which will devalue property more than an RV. Code Enforcement officers have enough to do without measuring RVs. The length of an RV is not the issue. Out of approximately 1,200 homes in Indian Hills, a (recent) survey indicated that 31 front or side yards had vehicles parked in the grass or dirt. Twenty-five had boats. Six had RV's over 25 feet (length). Another 28 had utility trailers. There were also eight homes with RVs less than 25 feet (length). Providing a (paved) parking area for RVs will help control erosion. Mr. Sosebee asked the council to consider the length issue and support the legislation. Alderman Hight did not recall the option restricting the length of RVs. City Attorney C. Jason Carter advised extensive hearings and discussions were held regarding Parking Districts in the city. City wide regulations didn't work. Some neighborhoods wanted different rules. Mr. Fleming referred to Chapter 9 Section 4 of the Zoning Ordinance pertaining to and defining Commercial Vehicles and large Recreational Vehicles. Mr. Steve Whiting is President of the Indian Hills Neighborhood Association. He referenced city code which indicates a large RV is more than 25 feet long and more than 8 feet high. The implications of something this size is a sizable distraction in a neighborhood. If it is left on the street, it will block emergency access for emergency vehicles and the view of house numbers. Property values are determined on the value of surrounding properties in a neighborhood. Restrictions are needed for parking in front and side yards. Mrs. Pam Huston has lived in Indian Hills 13 years. They received no notice about a proposed parking ordinance. She has an RV parked in her side yard on pavers. She researched city ordinances before bringing it home. Her motor home is 29 feet – 30 feet long. She found out about this meeting from Mr. Sosebee. Mrs. Huston is a realtor. The value of a home is determined by comps in the area. She asked that the public be notified and given a chance to come and speak. Mrs. Huston asked if her RV would be “grandfathered.” Alderwoman Ross said when the Lakewood Restricting Parking District was proposed it included a restriction regarding RVs. After comments and discussion, that restriction was removed. Each Parking District is separate. Alderman Witcher said this process began in 2012 and included meetings and discussions. Notifications were sent out by Neighborhood Services. If the ordinance is adopted

another notice will be mailed to residents of Indian Hills. There are more rental properties available on the East side of John F. Kennedy. Elderly residents can't see around large RV's (when backing out of their driveways). There being no one else wishing to be heard, Mayor Smith adjourned the public hearing.

UNFINISHED BUSINESS

O-13-54

AN ORDINANCE ACCEPTING THE ANNEXATION OF LANDS COMMONLY DESCRIBED AS LANDS TO BE TITLED THE "LILE SCOTT ANNEXATION" TO THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AND MAKING LILE SCOTT ANNEXATION A PART OF THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times June 24, 2013, was called and withdrawn by the sponsor, Mayor Smith.

O-13-61

AN ORDINANCE RECLASSIFYING *GRANTING A SPECIAL USE TO ALLOW AUTO SALES IN A C-3 ZONE* FOR CERTAIN PROPERTY LOCATED AT 5806 MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM C-3 TO C-4, BY AMENDING ORDINANCE NO. 7697 AND GRANTING A CONDITIONAL USE TO ALLOW AUTO SALES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times June 24, 2013, was read a third and final time this date. Alderman Foutch asked Planning Director Robert Voyles if the applicant had to notify neighboring property owners. Alderman Foutch asked if the legislation is amended to keep it as a C-3 if additional notification was required. Mr. Voyles said yes on the initial notification. Planning has allowed applicants to decrease their request during a public hearing (without additional notification). On the motion of Alderman Foutch and seconded by Alderman Witcher, the legislation was amended as follows: *substitute legislation provided this date striking through Reclassifying from C-3 to C-4, by amending Ordinance No. 7697 and Granting a Conditional Use to allow Auto Sales and inserting GRANTING A SPECIAL USE TO ALLOW AUTO SALES IN A C-3 ZONE (8/0)*. Alderman Baxter said a car lot is not something people in the neighborhood support. Alderwoman Ross said the total allowance of 15 vehicles in the legislation includes employee and customer vehicles, too. A motion to adopt as amended was made by Alderman Foutch and seconded by Alderman Witcher. Alderman Hight asked if any there was any opposition voiced by residents at the Planning Commission meeting. Mr. Voyles did not recall any (other than Mr. Reynolds). Alderman Baxter said the Amboy Neighborhood Association opposed this request. On the previous motion, and the roll having been called, and all members present having voted no, with the exception of Alderman Foutch, who voted yes, the ordinance failed as amended (1/7).
(applicant: Todd Armstrong)

Discussion resumed on O-13-62 (*see above*). Alderman Hight referenced a large motor home parked on North Hills Boulevard in a circular driveway, which (at the time) was legal to do. The intent was not to prohibit RVs but require them to be parked on a paved surface (concrete, pavers, etc.). Mr.

Carter said recreation vehicles of all types are banned from parking on the street. There is a 72 hour loading and unloading exception for large RVs (vehicle that will not fit in the driveway) to extend into the right-of-way but not impede traffic (Section 2.1.10). Mayor Smith asked if large recreational vehicles (greater than 25 feet in length or 8 feet in height) can be parked in the city in areas that do not have a restricted parking district. Mr. Carter advised they could. Parking Districts have to consider three rules: 1) no parking in front or side yards, 2) no parking commercial or large recreational vehicles, 3) *alternative to previous rule* no parking commercial vehicles. Alderman Witcher said the legislation (as is) is what the residents want. Mayor Smith said if adopted, Mr. Sosebee and Mrs. Huston would have to move their motor homes somewhere else or on a hard surface behind the front building line. Mr. Carter advised if the rule is adopted to prohibit large recreational vehicles from the district, then they will be prohibited. Alderwoman Robinson said there are restricted parking areas in Ward 2 which were requested by the neighborhood. Alderwoman Ross reiterated her concerns about notification to all residents in the affected area. Alderwoman White asked if pavers were to connect to an existing driveway to the parking pad. Mr. Voyles referenced the zoning ordinance. The ordinance was then read a third and final time. Alderwoman Robinson said there should be some consideration for the residents who already have RVs. Alderwoman Ross said you cannot grandfather a nuisance. A motion to adopt was made by Alderman Witcher. The motion died for lack of a second. Without objection, Alderman Witcher withdrew his motion to adopt and the legislation was held.

O-13-62

AN ORDINANCE ESTABLISHING THE INDIAN HILLS RESTRICTED PARKING DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read two times June 24, 2013. A recessed public hearing was reconvened this date (see above) and adjourned. The ordinance was then read a third and final time and held by the sponsor, Alderman Witcher.

CONSENT AGENDA

R-13-122, R-13-123, and R-13-124 were called under new business.

NEW BUSINESS

R-13-122 (RESOLUTION NO. 8358 – MAYOR SMITH)

A RESOLUTION CONFIRMING THE APPOINTMENT OF SHUNIKA JOHNSON TO THE NORTH LITTLE ROCK HOUSING AUTHORITY BOARD OF COMMISSIONERS; 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 resolution was unanimously adopted (8/0).

R-13-123 (RESOLUTION NO. 8359 – MAYOR SMITH)

A RESOLUTION APPROPRIATING ~~\$42,200.00~~ \$45,500.00 FROM THE GENERAL FUND FOR THE CODE ENFORCEMENT DEPARTMENT DEMOLITION AND DEBRIS REMOVAL PROGRAM; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. On the motion of Alderwoman Ross and seconded by

Alderman Taylor, and by consent of all members present, the resolution was amended as follows:: *strike through \$41,200.00 and insert \$45,500.00* (8/0). On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the resolution was unanimously adopted as amended (8/0).

R-13-124 (RESOLUTION NO. 8360 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED ON DOROTHY RODHAM WAY EAST OF VIRGINIA KELLEY DRIVE AND RIVERFRONT DRIVE; APPROPRIATING FUNDS (\$3,000.00 – General Fund); 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 resolution was unanimously adopted (8/0).

R-13-125 (RESOLUTION NO. 8361 – 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 Alderwoman Robinson and seconded by Alderman Taylor. 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-13-63 (ORDINANCE NO. 8548 – MAYOR SMITH)

AN ORDINANCE AMENDING THE 2013 QUOTA ORDINANCE FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; 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 rules were suspended and the ordinance was placed on its second reading (8/0). On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the remaining readings were suspended (8/0). On the motion of Alderman Taylor and seconded by Alderman Hight, 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-13-64 (ORDINANCE NO. 8549 – MAYOR SMITH)

AN ORDINANCE APPROVING A WAIVER REQUEST FOR PARKING SPACE REQUIREMENTS AT THE NEW NORTH LITTLE ROCK HIGH SCHOOL STADIUM IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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 rules were suspended and the ordinance was placed

on its second reading (8/0). On the motion of Alderwoman Ross 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. Alderwoman Robinson said residents in the area had concerns regarding parking. Student parking has been covered. This waiver is for stadium parking only. This would only apply if the stadium is at maximum capacity. Mr. Bill Gray, said the existing stadium has a 4,300 seat capacity. They are committed to a minimum of 950 spaces. Mayor Smith said the city owns three small lots east of the school. If the school district clears the title on the three lots, the city will donate the lots (subject to council approval). On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, 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: Bill Gray – Taggart Architects*)

O-13-65 (ORDINANCE NO. 8550 – ALDERMEN TAYLOR AND ROBINSON)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 609 N. WILLOW STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-2 TO R-3 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; 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, all readings were suspended (8/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, 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: Lalia Zakrzewski*)

PUBLIC COMMENT

Mr. Billy Fewell is a lifelong resident. He said it is mandatory for Code Enforcement to issue a Notice to Abate when a nuisance is found. He disagreed with Chief of Staff Danny Bradley's recent opinion regarding Code Enforcement Officers. Mayor Smith asked the Legal Department to provide an opinion regarding the same. Mr. Mark Middleton's family owns several businesses in North Little Rock, including Splash Carwash and the Suds Carwash at Maumelle Boulevard and Crystal Hill Road. A large steel structure (sign) is being erected at the corner of his property. It is a 10 feet wide and 28 feet tall. In December 2012, David Elrod contacted Mayor (Patrick Henry) Hays and advised in writing that Wal-Mart had renewed a request for a sign on this (sliver) of property. On December 27, 2012, the council adopted an ordinance allowing the sign. Mr. Middleton said he was never notified or given the opportunity to speak regarding the same. The sign will be obstructive to his business. He said the sign is massive and requested a stop work order until additional facts can be presented. Alderwoman Robinson said there is a problem with geese on Parkdale near Greenlea Lake. Geese are blocking the street and driveways and they are a nuisance. Mayor Smith said the problem at Burns Park is getting worse. Alderman Witcher said residents in Indian Hills had a problem with geese, too. They were caught and hauled away. Alderwoman Ross announced an Emergency Preparedness

Session to be held Thursday, July 25, 2013, at 6:30 p.m. at the North Little Rock Community Center, Pershing and Willow. The event is being hosted by the Dark Hollow CDC (Community Development Corporation). The purpose is to guide neighborhoods in making plans for emergencies. North Little Rock Police and Fire, 911, and Union Pacific representatives will be participating. Mayor Smith advised Interim Police Chief Mike Davis was sworn in as Chief of the North Little Rock Police Department this date and congratulated him regarding the same. Mayor Smith referenced a sheet provided by North Little Rock Police Chief Davis and Officer Andrew Miles comparing fireworks calls from 2012 to 2013. Mr. Fleming introduced his wife Angie, who was present.

There being no further business to come before the Council, and on the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 7:58 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, July 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