

February 10, 2014
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, February 10, 2014, 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). City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The prayer was given by Alderman Hight followed by the pledge of allegiance to the flag which was led by Alderman Witcher.

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 Monday, January 27, 2014, were approved, accepted and filed as prepared by the City Clerk (8/0).

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

1. Randy Naylor, Director Keep North Little Rock Beautiful – Volunteer Study January 1, 2013 – December 31, 2013. (457 volunteers = \$68,455.20)
2. A. R. “Dick” Gardner letter and Petitions requesting Speed Hump at Levy Church of Christ, 5124 Camp Robinson Road (*75 signatures for – (52 North Little Rock residents) – 0 against*).
3. Mike Smith, City Engineer memorandum to Mayor and City Council members re: State Aid Grant Program: Overlay of McCain Boulevard (area selected - McCain Boulevard from McCain to Highway 67/167).

Mayor Smith announced citizen public comment on numbered legislation. Mr. Jody Hardin spoke in support of O-14-10 – amending Chapter 2 (Animal Control) regarding hogs, goats and sheep. Mr. Hardin a multiple million dollar restoration project is underway at the old St. Joseph Orphanage. The plan includes creating an Agri-Tourism attraction which would include a fall festival, a seven (7) acre food forest (which is a long-term program to feed the hungry). They will partner with several major International Non-profits to teach and train small farmers in the Delta. Part of this would include teaching diversified farming which includes livestock. This would be a hybrid non-profit (Farm To Food Innovation Center) which would own 51% of the for-profit (St. Joseph Farm). The farm will fund the operations of the non-profit which would make a sustainable entity.

Mayor Smith acknowledged members from a Journalism Class from UALR who were in attendance.

UNFINISHED BUSINESS

O-14-07

AN ORDINANCE GRANTING WAIVERS OF NORTH LITTLE ROCK PLANNING COMMISSION REQUIREMENTS FOR REMOVAL OF FENCING AND SIZE OF MULCH AREA AROUND A MANUFACTURED BUILDING ON CERTAIN REAL PROPERTY LOCATED AT THE NORTHWEST CORNER OF MACARTHUR AND E. MEADOWLANE DRIVE IN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time January 27, 2014. Mayor Smith advised this item died for lack of a motion during the previous meeting. However, the item had been read one time and is subject to two more readings. Therefore, it remained on the agenda. Mayor Smith encouraged members to visit the location. The building and fence are on the right-of-way. The ordinance was read a second time this date and held by the sponsor, Mayor Smith. (*requested by Smith Campers*)

CONSENT AGENDA

None.

NEW BUSINESS

R-14-17 (RESOLUTION NO. 8489 – MAYOR SMITH)

A RESOLUTION APPROPRIATING \$9,906.06 FROM ACT 833 FUNDS FOR THE PURCHASE OF RESCUE CUTTERS FROM THE NORTH LITTLE ROCK FIRE DEPARTMENT; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-14-18 (RESOLUTION ON. 8490 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE ARKANSAS REGINAL INNOVATION HUB, INC; APPROPRIATING FUNDS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderwoman Robinson. Alderwoman Ross asked about the Enhanced Community Services Agreement, #3 (*Contribution by the City*) and if this was a continuing agreement. Mr. Fleming said #2 indicates the term of the agreement which is for one year, ending December 31, 2014. Alderwoman Ross said the fee for accounting services seemed high (\$13,500.00). On the previous motion, and by consent of all members present, with the exception of Alderman Foutch, who voted no, the resolution was adopted (7/1).

R-14-19 (RESOLUTION NO. 8491 – MAYOR SMITH)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY TAX COLLECTOR AGAINST CERTAIN REAL PROPERTY

LOCATED AT 1512 HIGHWAY 161 - #20 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderwoman Robinson. 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).
(amount - \$2,025.15)

O-14-10 (ORDINANCE NO. 8607 – ALDERMEN HIGHT AND WITCHER)

AN ORDINANCE AMENDING CHAPTER 2 (ANIMAL CONTROL) OF THE NORTH LITTLE ROCK MUNICIPAL CODE REGARDING KEEPING OF HOGS, GOATS OR SHEEP UNDER CERTAIN CONDITIONS; 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 (8/0). On the motion of Alderman Hight and seconded by Alderman Witcher, 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 amend was made by Alderman Hight and seconded by Alderman Witcher. Mayor Smith said the amendment would include a 100' setback. Alderman Hight then read section 7.2.3 (D) (i) and (ii) pertaining to the distance from any property line and noxious odors or other nuisance pursuant to Section 6.1.7(F). Mr. Hardin said Camp Robinson is behind St. Joseph property. The city has property, a rail spur between Camp Robinson and the property. There are no residents adjacent. Mayor Smith said the amendment indicates any property line. Mr. Hardin said the buffer in two other areas was over 100' and 500'. Mr. Robert Voyles, Planning Director suggested changing (i) to *residential* property line. Alderman Taylor asked why there wasn't a Special Use or Conditional Use. Mr. Voyles said this legislation amends the Municipal Code. Mr. Hardin will have to request a separate Special Use permit for the property. The property (St. Joseph Orphanage) is zoned R-4. Mr. Voyles said the animals included in the legislation are currently banned from the city. Alderwoman Ross asked if there were other areas in the city with this amount of acreage (towards Maumelle or East side of city). Mr. Hardin restated his earlier comments regarding the project. On the previous motion, and by consent of all members present, the ordinance was amended as follows: *substitute copy provided this date and insert (i) RESIDENTIAL between any and property line* (8/0). On the motion of Alderman Witcher 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 as amended (8/0). Emergency clause unanimously adopted (8/0).

O-14-11 (ORDINANCE NO. 8608 – ALDERMAN TAYLOR)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A TOWING SERVICE IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3100 EAST BROADWAY 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 Alderman Ross, and by consent of all members present, the rules were suspended and the ordinance was placed on its second

reading (8/0). The ordinance was read a second time. A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. Alderwoman Robinson said this business had been open on East Broadway for over a year (Waits Auto Repair) and have been towing during that time. The vendor has also used the adjacent property to store or park cars. Mr. Brooks McRae said he leased the property to the tenant in September 2013 and the property is zoned for repair. A request went before the Planning Commission which was denied. Mr. McRae met with Alderman Taylor at the site who did not want wrecked vehicles on the entire lot. Therefore, a fenced area at the rear of the property was proposed to contain wrecked vehicles for up to 60 days. Mr. McRae said if a car is towed and not claimed within 30 days, they have the right to sell the vehicle. The vendor tows vehicles for the Arkansas State Police Department. Alderwoman asked if vehicles were being stored across the street overnight. Mr. McRae said they were not to his knowledge. Alderman Hight asked how many wrecked vehicles would be on the property. Mr. McRae said 25 – 30 would be in the fenced area at the rear of the property. Alderwoman Ross asked if all vehicles would be within a 6' wooden privacy fence. Alderwoman Ross said applicants aren't meeting their requirements in a reasonable amount of time and proposed inserting a date for completion and suggested May 15, 2014. Alderman Foutch said the illustration does not show a gate. Mr. McRae said there would be interior access from within the lot. Alderman Hight said the Planning Commission denied this request and asked if the Planning Department had any recommendations. Mr. Voyles said they recommended denying the request and that dead storage vehicles should be in an industrial area and policing this may be an issue. On the previous motion, 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 Alderman Taylor and seconded by Alderman Foutch. Alderwoman Ross said the legislation currently required all vehicles (wrecked and operable) be stored within the wooden privacy fence. Alderman Taylor said the applicator could insert slats in the chain link fence across the front of the property (East Broadway). Mr. McRae asked if he still had to put in the wooden fence. Alderwoman Robinson said there are commercial properties behind this. A motion to amend was made by Alderman Taylor and seconded by Alderwoman Robinson to insert slating in the existing fence across the front and a 6' privacy fence across the rear. Mr. Fleming suggested adding the word "wrecked" and "All chain link fences will be slated as to make a visual barrier from Broadway and Rose Street to Section" 2: e). The illustration (Exhibit "A") indicates a 6' wooden privacy fence on the north, east, south and west of the lower part of the property. Alderman Foutch said if the wooden fence is removed from the front of the back area, then could the wrecked storage area increase and advised a specific number of stored vehicles was not referenced in the legislation. Alderman Witcher said there is an open area on Rose Street between the two buildings with an existing chain link fence. On the previous motion, and by consent of all members present, with the exception of Alderman Witcher who voted no, the ordinance was amended as follows: *Section 2: d) insert WRECKED and ALL CHAIN LINK FENCES WILL BE SLATED AS TO MAKE A VISUAL BARRIER FROM (EAST) BROADWAY (7/1)*. A motion to adopt was made by Alderman Taylor and seconded by Alderman Foutch. On the motion of Alderman Witcher and seconded by Alderman Taylor, and by consent of all members present, the ordinance was again amended as follows: *insert*

Section 2: d) AND ROSE STREET (8/0). A motion to adopt as amended was made by Alderman Witcher and seconded by Alderman Taylor. On the previous motion 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 as amended (7/1). On the emergency clause, all members voted in the affirmative, with the exception of Alderman Hight, who voted no, the emergency clause was adopted (7/1). (*applicant: Brooks McRae*)

O-14-12 (ORDINANCE NO. 8609 – ALDERMEN FOUTCH AND BAXTER)

AN ORDINANCE APPROVING A WAIVER REQUEST FOR SETBACK REQUIREMENTS FOR CERTAIN REAL PROPERTY LOCATED AT 11919 MAUMELLE BOULEVARD 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 (8/0). 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 (8/0). The ordinance was read a third and final time. A motion to adopt was made by Alderman Hight and seconded by Alderman Foutch. Alderman Taylor asked why the setback was being waived. Alderman Foutch said other properties in the area have a setback. Alderman Foutch ask to add Alderman Baxter as a cosponsor. 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: John R. Pownall*)

PUBLIC COMMENT

Mr. Dick Gardner spoke on behalf of the Levy Church of Christ. They have a hazardous traffic situation for their congregation and people using the voting polling site. He requested speed bumps on the East and West side and caution lights to slow traffic. Alderman Hight spoke with Mr. Gardner and wanted to make sure the Traffic Director was aware of this request. Alderwoman Ross said Park Hill Baptist puts out tall cones in the middle of the street to slow traffic. Mr. Jimmy Ard spoke about previous legislation regarding the House of Three. Mr. Ard said a church in Little Rock uses cones to slow traffic during their services. Mr. Jerry Butler spoke about the House of Three and referred to three (3) memorandums from Mr. Voyles. He then read two of them. Alderman Foutch asked if someone from Pulaski Technical College could attend the next meeting and brief the council and public on their upcoming Special Election in March for Millage increase. Mayor Smith encouraged everyone to be safe and careful during the upcoming snow event.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderman Baxter, and by consent of all members present, the meeting was adjourned at 7:34 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, February 24, 2014, 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