

November 10, 2014  
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 10, 2014, was called to order at 6:00 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, LINDA ROBINSON, STEVE BAXTER, CHARLIE HIGHT and MURRY WITCHER (6/0). Aldermen MAURICE TAYLOR and BRUCE FOUTCH were absent. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

The invocation and pledge of allegiance were led by Alderman Witcher.

On the motion of Alderman Witcher and seconded by Alderman Hight, and by consent of all members present, the minutes from the North Little Rock City Council meeting scheduled for Monday, October 27, 2014, were approved, accepted and filed as prepared by the City Clerk (6/0).

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

1. Karen Scott, Finance Director memorandum to City Clerk Diane Whitbey re: Energy Risk Management Committee Energy Cost Recovery Rider adjustment factor (ECR) November, 2014 - \$.0006/kwh.
3. Charlotte Thomas, Mayor's Office memorandum re: *Retail Liquor & Retail Beer off Premises - Change of Manager from George Haggard* for LSL Liquor, 9127 Old Jacksonville Hwy, by Lakhwant Singh.
4. Glinda Craigmyle, Mayor's Office memorandum re: *Small Farm Wine - Manufacture & Small Farm Wine - Wholesale - NEW* for Raimondo Winery, LLC, 3021 East Broadway, by Margaret J. Raimondo.
5. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink - Replacement from Eric Bledenbender*, for TGI Friday's, 2820 Lakewood Village, by Johnnie L. Bryant.
6. Glinda Craigmyle, Mayor's Office memorandum re: *Retail Beer on Premises - NEW* for Restaurant Mexican El Chiapaneco, 3700 John F. Kennedy Boulevard, by Natividad Lopez-Ramos.

On the motion of Alderwoman White and seconded by Alderwoman Ross, and by consent of all members present, communication #2 was read by title only, accepted and filed (6/0).

2. Bernadette Gunn Rhodes email re: Employee Wellness Fair, Thursday, November 13, 2014.

Mayor Smith advised the railroad crossing at Doyle Venable Drive will be closed for 8 to 9 hours for emergency repairs to the crossing. There is also work underway at 13th Street. Mr. Chris Wilbourn, Traffic Service Direct said Union Pacific is replacing railroad crossings in several areas.

Mayor Smith asked Mr. Robert Voyles, Planning Director to come forward. Mr. Voyles advised the city has a 211 acre Off-Road Vehicle Park (Ott Park). Nine acres have been added adjoining the freeway. Ms. Tammie Hynum, Chief of Hazardous Waste Division, Arkansas Department of Environmental Quality (ADEQ) came forward and presented a Certificate of Completion on the addition. This places the additional acreage in the State Brownfield Program.

Mayor Smith convened a scheduled public hearing regarding O-14-95, amending Section 7.1.3 of Chapter 2 (Animal Control) regarding the keeping of Fowl in the city. Alderman Witcher said the proposed amendment was a result of conversations with residents who have or want chickens in the city. The distance of 75 feet is exclusive to many. Mr. Billy Grace, Director of Animal Control said they measure the distance when an application is submitted. Keeping chickens in the city has gained popularity. Animal Control has reviewed 29 applications this year. Alderman Witcher asked about issues with fowl in the city. Mr. Grace said if the pen was kept clean there were few issues and did not recall receiving any complaints regarding smell. He had received complaints of people allowing chickens to run loose. Animal Control inspects each location before a permit is issued. The permit holder is required to get a license from the City Clerk. Alderman Hight asked about requirements in surrounding cities and towns. Alderwoman Ross said Little Rock required distance is 25 feet and each fowl has to be in a 3 foot by 3 foot coop. Sherwood has no restrictions. Jacksonville is 100 feet. Hot Springs is 100 feet. Maumelle restricts the resident to one chicken every 90 days. Alderwoman White asked how many chickens. Mr. Grace said there was no limit. Ms. Whitbey thought there was a limit of five hens and no roosters. Alderman Witcher said younger families want to know where their food came from. Alderwoman White asked if people could butcher their chickens for consumption. Alderwoman Robinson asked if there was anything to prevent the person from killing their fowl. Mr. Grace was not aware of anything. Mr. Fred Trusty spoke for the legislation and agreed with reducing the distance. He has researched laws in other city's regarding the same and found most were not as restrictive as North Little Rock's. He would rather live next door to four chickens than four dogs. Sam's Club and other stores sell coops that allow them to be moved so the chickens can eat bugs, etc. The average space is 2 square feet per chicken. Runoff should not be a concern. Mr. Boyce Burns has seven chickens. His property is located on the corner. Meeting the 75 foot requirement would restrict a lot of residents. Mr. Burns complimented Animal Control on their work regulating fowl. Ms. Ashley Floyd lives on a large lot and has had chickens for two years. She has nine hens. Her neighbors wouldn't know that she had chickens if she didn't give them eggs. She has done extensive research regarding requirements, etc. She is the mother of four children and wants to know where her food comes from. She knows what her chickens eat and how fresh the eggs are. Smell and sound is a non-issue. Most people who have chickens also garden and use the compost created by them for fertilizer. Twenty-five feet would allow more people to have chickens. Ms. Floyd said she is a

research buff and put together a document regarding keeping chickens. Mr. Michael Dennis said a lot of people want organic food. The quality and nutritional value of a "back-yard" egg is great. He has neighbors who were unaware that he had chickens until he gave them eggs. He uses the chicken manure for fertilizer. Alderwoman Ross asked him what distance he would suggest. He said 25 feet. Alderwoman Ross asked about Little Rock's requirement of one chicken per coop. Mr. Dennis said chickens require little room and stay in groups. There being no one else wishing to be heard, Mayor Smith adjourned the public hearing. Alderwoman White asked that the council consider a limit on the number of chickens if the distance is reduced. Ms. Whitbey asked that the permit period be changed to January 1 through December 31.

Mayor Smith announced citizen public comment on agenda items. Mr. Joe Reynolds represents his neighborhood association. He spoke against O-14-100 and said there are enough auto sales lots in the area. The residents are opposed to any more and would like to see different types of businesses in the area. They are also opposed to changing the zoning from C-3 to C-4.

### **UNFINISHED BUSINESS**

R-14-171

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2225 FENDLEY DRIVE 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 Smith. (*owner: Rafael Guarionex DeCastro*)

R-14-172

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2800 JOHN ASHLEY DRIVE 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 Smith. (*owner: Rafael Guarionex DeCastro*)

O-14-95

AN ORDINANCE AMENDING SECTION 7.1.3 OF CHAPTER 2 (ANIMAL CONTROL) OF THE NORTH LITTLE ROCK MUNICIPAL CODE REGARDING THE KEEPING OF FOWL IN THE CITY; DECLARING AN EMERGENCY; AN FOR OTHER PURPOSES, was read one time October 27, 2014, was read a second time this date. A scheduled public hearing was held this date (see above). On the motion of Alderman Witcher and seconded by Alderwoman Ross, and by consent of all members present, the rules were suspended and the ordinance was placed on its third and final reading (6/0). The ordinance was read a third and final time. Alderman Witcher said setting square footage

per fowl would determine the number. Mr. Grace said 10 feet by 10 feet equals 100 square feet. If divided by four that would allow 25 chickens. Mayor Smith suggested holding the legislation to allow the public time to comment on the proposed change. Alderwoman Ross has had calls from people who are concerned that not everyone will clean up after their chickens. There are people who have chickens now and do not clean up after them. Alderman Hight manages the Overbrook Property Owners Association which was formed in 1972. Their Bill of Assurance excludes livestock, insects, or poultry of any kind shall be raised or kept on any building site, except for dogs, cats and other household pets. His interpretation is that Overbrook residents are prohibited from having poultry. He has received calls asking him to oppose this. Mr. C. Jason Carter, City Attorney advised laws in the city are passed of a general nature that apply to the city as a whole. Bill's of Assurance are a contract and if it includes "no poultry allowed" then no poultry is allowed. However, enforcement of private contracts is not something the city can do. The resident violating the Bill of Assurance could be subject to a law suit by the Homeowner's Association or another resident. Alderman Hight said he is opposed to the reduction in footage. Alderman Baxter has had several calls regarding this legislation. At 75 feet most of his constituents do not qualify. If the distance is reduced, there will be residents who could qualify. He has also had calls regarding odor. Alderwoman Robinson would like Animal Control to provide a number of chickens. The legislation was then held by the sponsor, Alderman Witcher.

### **CONSENT AGENDA**

*None filed.*

### **NEW BUSINESS**

R-14-200 (RESOLUTION NO. 8665 - MAYOR SMITH)

A RESOLUTION ACCEPTING THE PROPOSAL OF AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH WITT O'BRIEN'S, LLC FOR DISASTER DEBRIS MONITORING SERVICES; 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 adopted (6/0).

R-14-201 (RESOLUTION NO. 8666 - 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 1111 NORTH "I" STREET 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 adopted (6/0). (*amount - \$2,993.19*)

R-14-202 (RESOLUTION NO. 8667 - 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 4813 ROGERS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baxter and

seconded by Alderwoman Ross. 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 adopted (6/0). (*amount - \$3,100.63*)

R-14-203 (RESOLUTION NO. 8668 - 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 1709 WEST 16TH STREET 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 adopted (6/0). (*amount - \$3,702.54*)

R-14-204 (RESOLUTION NO. 8669 - MAYOR SMITH)

A RESOLUTION CERTIFYING THE AMOUNT OF A CLEAN UP LIEN TO BE FILED WITH THE PULASKI COUNTY COLLECTOR AGAINST CERTAIN REAL PROPERTY LOCATED AT 1723 EAST 2ND STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baxter and seconded by

Alderwoman Ross. 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 adopted (6/0). (*amount - \$3,130.00*)

R-14-205 (RESOLUTION NO. 8670 - 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 1721 EAST 2ND STREET 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 adopted (6/0). (*amount - \$1,970.11*)

R-14-206 (RESOLUTION NO. 8671 - 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 623 WEST 18TH STREET IN THE CITY OF NORTH LITTLE ROCK,

ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Robinson 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 adopted (6/0). (*amount - \$3,053.70*)

O-14-99

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN AUTOMOBILE SALES LOT IN A C-4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1700 EAST BROADWAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PUPROSES, was read. There was no motion to suspend the rules. Without objection, O-14-99 was considered. Alderwoman Robinson said the applicant wants two (2) years to pave his driveway/parking area. On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, with the exception of Alderwoman Robinson, who voted no, and the mayor having voted yes, the rules were suspended and the ordinance was placed on its second reading (6/1). On the motion of Alderman Hight and seconded by Alderman Baxter, and by consent of all members present, with the exception of Alderwoman Robinson, who voted no, and the mayor having voted yes, the rules were again suspended and the ordinance was placed on its third and final reading (6/1). The ordinance was read a third and final time. Mr. Voyles said this is the first time this applicant has been before the council. The applicant has requested more time to pave the parking lot. Alderwoman Ross asked if this was for auto sales and repair. The applicant, Mr. Guzman, said it would be for sales only. Alderwoman Ross asked what would be on the back of the lot enclosed by a fence. On the motion of Alderwoman Ross and seconded by Alderwoman Robinson, and by consent of all members present, the ordinance was amended as follows: *Section 2: (a) strike through The rear forty-five (45) feet (enclosed by fence) to be used for auto repair* (6/0). A motion to adopt was made by Alderman Witcher. Alderman Hight asked if the parking (surface) requirement had been waived on other lots on Broadway. On the previous motion, and seconded by Alderman Baxter, and the roll having been called, and all members present having voted no, the ordinance failed (0/6). (*applicant: Amilcar Guzman*)

O-14-100

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT 5806 MacARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM C-3 TO C-4; GRANTING A CONDITIONAL USE TO ALLOW AN AUTOMOBILE SALES LOT IN A C-4 ZONE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Hight asked if this location had been previously considered. It was on the agenda a year ago and failed. On the motion of Alderman Hight and seconded by Alderman Witcher, 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 Witcher and seconded by Alderman Hight, and by consent of all members present, with the exception of Alderwoman Robinson, who voted no, and the Mayor having voted yes, the rules were again suspended and the ordinance was placed on its third and final reading (6/1). The

ordinance was read a third and final time. A motion to adopt was made by Alderman Witcher and seconded by Alderman Hight. Alderman Baxter received a lot of calls regarding this legislation. He referenced the history of zoning changes and what could be allowed in a C-4. The Neighborhood Association is opposed to this. On the previous motion, and the roll having been called, and all members present having voted no, the motion to adopt failed (0/6). (*applicant: Todd Armstrong*)

Mayor Smith asked the council to consider a motion on the previous legislation, O-14-99 (see above).

O-14-101 (ORDINANCE NO. 8689 - MAYOR SMITH)

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT THE NORTHWEST CORNER OF EAST 19TH STREET AND HAZEL STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM CONSERVATION (CONS) TO I-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROC, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderwoman Ross 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 (6/0). On the motion of Alderman Hight and seconded by Alderman Witcher, and by consent of all members present, the remaining readings were suspended (6/0). Alderwoman Ross complimented the applicant, Mike Marlar for meeting with the neighborhood group and answering questions regarding their project before bringing it before the council. Mr. Marlar recognized Ms. Belinda Sykes-Burney, President of the Neighborhood Association for her efforts. Alderwoman Ross said the retention pond was an issue. 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 adopted (6/0). Emergency clause adopted (6/0). (*applicant: Mike Marlar*)

O-14-102 (ORDINANCE NO. 8690 - ALDERMAN BAXTER)

AN ORDINANCE GRANTING A SPECIAL USE OT ALLOW AN EVENT CENTER IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 10910 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 Witcher, and by consent of all members present, the readings were suspended (6/0). On the motion of Alderman Baxter and seconded by Alderman Witcher, and by consent of all members present, with the exception of Alderwoman Ross, who voted no, the ordinance was amended as follows: *Section 2: e) strike ~~Friday~~ and insert THURSDAY, and strike ~~weekends~~ and insert FRIDAY, SATURDAY, AND SUNDAY (5/1)*. A motion to adopt was made by Alderman Baxter and seconded by Alderman Witcher. Alderman Hight asked what kind of events would be held. The applicant, Michael Johnson said there would be banquets, birthday parties, and receptions. Alderwoman Ross asked if Mr. Johnson would be at each event. He said a staff member would. Alderwoman Ross asked if there would be events where a cover charge would be paid and alcohol would be provided. Mr. Johnson

said they did not have plans for events like that. Alderwoman Robinson advised the applicant to be mindful of whom he rents to. North Little Rock Police Chief Mike Davis said problems in the past included people showing up at an event and bringing alcohol. If management is on site, they shouldn't have any issues. Alderwoman Ross asked if there were any recommendations on how many licensed security should be provided. Chief Davis said there could be issues under certain conditions, but if managed properly there should be none. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). (*applicant: Michael Johnson*)

**PUBLIC COMMENT**

Alderwoman Ross advised a Veteran's Day Ceremony will be held Tuesday, November 11, 2014 (tomorrow) and invited the public to attend. Mayor Smith said the North Little Rock Christmas Parade will be December 7, 2014, at 2:00 p.m. followed by a Lighting Ceremony. Santa Claus, face painting and other activities will be on hand. The North Little Rock History Commission will also be open for tours.

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 7:18 p.m. (6/0), until the next regularly scheduled meeting which will be held on Monday, November 24, 2014, 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