

January 26, 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, January 26, 2015, was called to order at 6:02 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, and CHARLIE HIGHT (7/0). Alderman MURRY WITCHER was absent. City Clerk Diane Whitbey and Assistant City Attorney Matt Fleming were also present.

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

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 meeting scheduled for Monday, January 12, 2015, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Baxter and seconded by Alderman Hight and by consent of all members present communications #3 and 4 were accepted and filed (7/0).

3. Karen Scott, Finance Director Reports to City Council re: Code Enforcement Lien Collections – 2014.
4. Dan Scott, Director Neighborhood Services letter to Mayor Smith re: City Beautiful 2014 Project Update and commending members.

On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, communication #1 was read, accepted and filed (7/0).

1. Bob Rhoads, CPRP, Director North Little Rock Parks and Recreation letter to Mayor Smith and City Council re: Update on Land Conversion for Burns Park and Big Rock Quarry.

On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, communication #2 was read in part, accepted and filed (7/0).

2. C. Jason Carter, Interim General Manager, North Little Rock Electric Department/City Attorney letter to Mayor Smith, City Clerk Whitbey and City Council members re: New Service and Night Drop Payments at 1400 West Maryland Avenue to discontinue starting February 2, 2014.

Mayor Smith invited Ms. Sherry Bruno, President North Little Rock Sertoma Club and Alderman Hight to assist him in presenting trophies to the 2014 North Little Rock Christmas Club winners. The

parade is planned and put on by members of the Sertoma Club and North Little Rock Advertising and Promotion. The following were presented:

Mayor's Cup	North Little Rock Teen Court
Chairman's Choice	Anderson's Taekwondo
Best Church Float	First Presbyterian Church of Argenta
Best Beauty Entry	State Fair Rodeo Queen
Best Club Entry	North Little Rock Lions Club
Scout Award	Cub Scout Pack #87
Best Decorated Commercial or Business	Arkansas Travelers
Best Horse or Riding Entry	Down to Earth Riders
Best Dance/Performing Group	Huff & Puff
Best Fire Truck	East Pulaski County Fire Department
Best Marching Group	North Little Rock Junior ROTC
Sertoma President's Award	North Little Rock Catholic Academy Cheerleaders

Mrs. Powell then Mayor Smith asked Mrs. Margaret Powell, Director External Affairs to come forward. Mrs. Powell spoke regarding North Little Rock's Sister City, Uiwang City. A delegation from Uiwang City is visiting North Little Rock for a month. The youth are attending classes in North Little Rock Schools. Mrs. Powell then introduced the host families who were present. Members of the delegation gathered with Mayor Smith for a photo while Mr. Hong read a letter to Mayor Smith from the Mayor of Uiwang City. Mayor Smith then spoke of the ongoing success of the program.

Mayor Smith announced citizen public comment on legislation. Mr. Ray Vanzant purchased his home in Stone Links subdivision in 1999 because he wanted to live in the city. If he had wanted to live in the country with animals, he would have moved to the country. He then read a letter from former Mayor Patrick Henry Hays to the developer of the property in 1998. Allowing a cattle farm by their property would be a disservice to the residents. He asked the council to vote for O-15-10 regarding Small Farm and Ranch Plots. Mr. Willie Heath lives in Stone Links. He is opposed to the nearby property being turned into farmland. He also spoke in support of O-15-10. Mr. Billy Brooks lives on the 14<sup>th</sup> hole of the Stone Links Golf Course. He does not want a farm (of any kind) behind him. Mr. Willie Thomas bought his home in 2004. He doesn't want to see farmland in the area. This is a part of the city that can grow. Mr. Maurice Lairy is a lifelong resident of North Little Rock and retired North Little Rock Fire Captain. Stone Links is a healthy and friendly community. He is opposed to farmland and livestock in the area. Mr. David Fulmer lives on Faulkner Lake Road. His yard backs up to the 11<sup>th</sup> green at Stone Links. He has a wrought iron black fence around his yard. He does not want to see barbed wire behind it. Mr. Mickey Conley has lived in Stone Links for 10 years. He said the east side of town had nice sized, affordable homes. They have seen some neglect in the roads and lack of a fire station in the area. He asked council members to vote for them and for O-15-10. Mr. Darryel Adkins spoke in support of O-15-10. He does not want farm animals or farmland in his backyard. Mrs. Elizabeth Adkins also spoke in support of O-15-10. They have lived in Stone

Links since 1999. They have put a lot of money into their property. She doesn't want to see livestock, rice or other farmland behind her neighborhood. She would like to see continued development with homes in the area. Ms. Shannon Armand is President of the Homeowners Association. She spoke on behalf of the neighbors and in support of O-15-10. They want to see stores or markets come to the community. They want to be a part of the (North Little Rock) School District. There being no one else wishing to speak, Mayor Smith ended public comment.

Without objection, O-15-10 was called.

O-15-10

AN ORDINANCE AMENDING SECTION 3.1 (REGULATIONS APPLYING TO ALL DISTRICTS) AND ARTICLE 21 (TABLE OF PERMITTED USES) OF ORDINANCE NO. 7697 (THE NORTH LITTLE ROCK ZONING ORDINANCE) REGARDING SMALL FARMING OR RANCH PLOTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

Without objection, Alderwoman Robinson was added as a cosponsor. Mr. Fleming said he and Mr. Carter have been looking through zoning regulations and the table of uses. Mr. Fleming asked Alderman Taylor to hold the legislation to allow them time to prepare legislation that will be beneficial to all concerned. Mr. Carter said farming an expansive definition and is permitted in all zones. However, Animal Control rules allow one livestock animal per acre. The Table of Uses indicates that farming is permitted in Industrial zones only (and areas set aside for conservation). Mr. Carter referenced Community Gardens as progressive use. Alderman Hight asked if current legislation would allow farming on the property (Stone Links Golf Course). Mr. Carter said there are conflicts within the current laws. Alderwoman Robinson asked what can be done to protect the property owners if the legislation is held. Mr. Carter said there are two approaches: one is Land Use, the other is Animal Control. Alderwoman Ross asked if the Mayor could issue an Executive Order. Mayor Smith said he will contact the property owners to hold off on doing anything with their property. He said if the concern is regarding the area of Stone Links, then the council should address that. The city's zoning jurisdiction goes two miles outside city limits. This would effect a lot of farmers in areas going towards Scott, Batesville Pike, and Southwind Drive. This legislation would include every farm in the city and surrounding jurisdiction. Alderman Taylor said he would be comfortable with a moratorium. Mayor Smith said the owners are not developers. Someone else could purchase the property and put in an apartment complex. Mr. Tim Rogers said it is unfair for them to have to smell livestock. Alderwoman White asked if legislation could be drafted to satisfy the residents and farmers in outlying areas. Mr. Carter said the area is not fenced which would prohibit livestock at this time. Alderman Baxter asked if there was a covenant in the area and if the golf course was included. Mr. Carter said that (a covenant) is a private contract between land owners and the city would not enforce it. Alderman Foutch said he has heard the message of the residents, but would like to see this legislation handled the right way. Alderman Taylor said he would hold the legislation. He doesn't want to see farm animals in the city. Alderman Baxter encouraged residents to review legislation and email council members with their concerns or comments.

Mayor Smith then recessed the meeting briefly.

### **UNFINISHED BUSINESS**

*None.*

### **CONSENT AGENDA**

*All items moved to new business.*

### **NEW BUSINESS**

R-15-04

A RESOLUTION APPOINTING CONNIE WOODARD TO THE NORTH LITTLE ROCK HISTORY COMMISSION; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Smith. Mayor Smith said Mrs. Woodard wasn't feeling well but wanted to be present when the legislation was called.

R-15-05 (RESOLUTION NO. 8732 – MAYOR SMITH)

A RESOLUTION APPOINTING BERNADETTE RHODES TO THE POSITION PREVIOUSLY HELD BY RANDY JOHNSON ON THE NORTH LITTLE ROCK PUBLIC HOUSING AUTHORITY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (7/0). Mayor Smith thanked Mrs. Rhodes for her service.

R-15-06 (RESOLUTION NO. 8733 – MAYOR SMITH)

A RESOLUTION APPOINTING GLADYS M. WEBB TO THE POSITION PREVIOUSLY HELD BY KAREN ZAP ON THE NORTH LITTLE ROCK HOUSING & BUILDING BOARD OF ADJUSTMENT & APPEALS (SIGN BOARD); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Baxter and seconded by Alderman Taylor, and by consent of all members present, the resolution was adopted (7/0).

R-15-07 (RESOLUTION NO. 8734 – MAYOR SMITH)

A RESOLUTION APPOINTING JEREMY WHITE TO THE POSITION PREVIOUSLY HELD BY PHILLIP E. DAVIS ON THE NORTH LITTLE ROCK HOUSING & BUILDING BOARD OF ADJUSTMENT & APPEALS (SIGN BOARD); AND FOR OTHER PURPOSES, was read. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present the resolution was adopted (7/0). Alderwoman Ross said Ward 3 does not have any residents on this board. Mayor Smith said the next appointment will be from Ward 3.

Alderwoman Ross asked about the portion of the upcoming agreements which require quarterly financial reports to the city. Mrs. Karen Scott, Finance Director said the reports can be annually if that is the council's pleasure.

R-15-08 (RESOLUTION NO. 8735 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ENHANCED COMMUNITY SERVICES AGREEMENT WITH ARGENTA DOWNTOWN COUNCIL; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the Agreement (Exhibit "A") was amended as follows: *5 (f) strike through quarterly and insert ANNUAL (7/0)*. On the motion of Alderman Baxter and seconded by Alderman Hight, and by consent of all members present, the resolution was adopted as amended (7/0).

R-15-09 (RESOLUTION NO. 8736 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH BUTTERFLY COMMUNITY (SEIS PUENTES PROJECT); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Taylor and seconded by Alderman Baxter. On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the Agreement (Exhibit "A") was amended as follows: *6 (f) strike through quarterly and insert ANNUAL (7/0)*. On the motion of Alderman Foutch and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted as amended (7/0).

R-15-10 (RESOLUTION NO. 8737 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH ARKANSAS ARTS CENTER; APPROPRIATING FUNDS (\$40,000.00 – *Special Appropriations*); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Baxter and seconded by Alderman Taylor. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the Agreement (Exhibit "A") was amended as follows: *6 (f) strike through quarterly and insert ANNUAL (7/0)*. On the motion of Alderman Hight and seconded by Alderman Foutch, and by consent of all members present, the resolution was adopted as amended (7/0).

R-15-11 (RESOLUTION NO. 8738 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THEA FOUNDATION; APPROPRIATING FUNDS (\$35,000.00 – *Special Appropriations*); AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. On the motion of Alderwoman Ross and seconded by Alderman Hight, and by consent of all members present, the Agreement (Exhibit "A") was amended as follows: *6 (g) strike through quarterly and insert ANNUAL (7/0)*. On the motion of

Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the resolution was adopted as amended (7/0). Alderman Hight said the Thea Foundation was the only non-profit to reduce their request for funding assistance and commended them for the same.

R-15-12 (RESOLUTION NO. 8739 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE NORTH LITTLE ROCK UNITS OF THE BOYS AND GIRLS CLUB OF CENTRAL ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was

made by Alderman Baxter and seconded by Alderman Taylor. On the motion of Alderwoman Ross and seconded by Alderman Taylor, and by consent of all members present, the Agreement (Exhibit “A”) was amended as follows: *6 (f) strike through quarterly and insert ANNUAL* (7/0). On the motion of Alderman Baxter and seconded by Alderman Foutch, and by consent of all members present, the resolution was adopted as amended.

R-15-13 (RESOLUTION NO. 8740 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT WITH THE ARKANSAS REGIONAL INNOVATION HUB, INC.; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Alderman Hight and seconded by

Alderman Baxter. Alderman Foutch recalled during budget discussions that this amount would be shared between the Innovation Hub and the Art Connection but did not see a reference of the same in the legislation. On the motion of Alderwoman Ross and seconded by Alderman Baxter, and by consent of all members present, the resolution was amended as follows: *add 5 (j) THE INNOVATION HUB AGREES THAT \$85,000.00 OF THE APPROPRIATED FUNDS WILL BE USED BY THE ART CONNECTION* (7/0). On the motion of Alderwoman Ross and seconded by Alderman Baxter, the resolution was again amended as follows: *5 (f) strike through quarterly and insert ANNUAL* (7/0). On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the resolution was adopted as amended (7/0).

R-15-14 (RESOLUTION NO. 8741 – MAYOR SMITH)

A RESOLUTION APPROPRIATING AN AMOUNT NOT TO EXCEED \$490,000.00 FOR THE PURCHASE AND RENOVATION OF PROPERTY (615 West 29<sup>th</sup>) FOR THE NORTH LITTLE ROCK POLICE DEPARTMENT; AND FOR OTHER PURPOSES, was read. A motion to adopt was

made by Alderman Foutch and seconded by Alderman Baxter. Mayor Smith said the city is buying the former Girl Scouts Building. The Public Building Authority will reimburse the city for the purchase. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-15-15 (RESOLUTION NO. 8742 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL VACANT LAND LOCATED ON THE EAST BORDER OF AN ALLEYWAY BETWEEN 10<sup>TH</sup> AND 11<sup>TH</sup> STREETS, IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO WILLIAM L. MONK; AND FOR

OTHER PURPOSES, was read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Foutch. Alderman Foutch asked about the location of the property. Mayor Smith said the owner of Bill's Lock and Safe wants to expand his business and use this area for parking. Mr. William Monk had been leasing the property from the city. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-15-16

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO INITIATE EMINENT DOMAIN PROCEEDINGS AGAINST A CERTAIN PARCEL OF PROPERTY LOCATED NORTH OF U.S. HWY 165 (ENGLAND HIGHWAY) PARALLEL AND ADJACENT TO A RAILROAD RIGHT-OF-WAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. The legislation was then held by the sponsor, Mayor Smith.

R-15-17 (RESOLUTION NO. 8743 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 723 WEST 21<sup>ST</sup> 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 read. A motion to adopt was made by Alderwoman Ross and seconded by Alderman Baxter. Mayor Smith convened a public hearing. Mr. Stefano Santamaria, ROMA Investments, LLC said the property is sound. It needs to be fixed but doesn't need to be torn down. He said after he bought the property he learned that the bank only sold one lot and the house sits over a property line. Someone else went to the county and paid back taxes on the other lot. He doesn't want to spend money to fix the structure if someone else owns half of it. Mayor Smith said Mr. Santamaria can work out an agreement with the city attorney after the legislation is adopted. Mr. Santamaria said he intends to sell the property. Alderman Foutch asked about the house straddling two properties and how the city could condemn the building. Mr. Tom Wadley, Director Code Enforcement said the (County) Tax office places the structure on Mr. Santamaria's tax bill. Mr. Wadley said this matter has been to District Court where the Judge ordered the property demolished. Mayor Smith said the council cannot overrule the Judge's decision. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

O-15-06 (ORDINANCE NO. 8705 – ALDERWOMAN ROSS)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A BARBER SHOP AND RESIDENCE ON ONE LOT IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1023 WEST 41<sup>ST</sup> STREET 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 Foutch, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Taylor and seconded by Alderman Foutch, 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). (*applicant: Mark Melton*)

O-15-07 (ORDINANCE NO. 8706 – ALDERMAN BAXTER)

AN ORDINANCE AMENDING THE MASTER STREET PLAN (ORDINANCE NO. 8601) TO REMOVE THE PROPOSED EXTENSION OF COUNTRY CLUB PARKWAY 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 readings were suspended (7/0). 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 adopted (7/0). Emergency clause adopted (7/0). (*requested by J. Erick Holloway*)

O-15-08 (ORDINANCE NO. 8707 – ALDERMAN BAXTER)

AN ORDINANCE GRANTING A TEMPORARY SPECIAL USE TO ALLOW A CONTRACTOR’S STORAGE YARD IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 7900 CRYSTAL HILL 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 readings were suspended (7/0). 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, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Denis Guillette*)

O-15-09 (ORDINANCE NO. 8708 – ALDERMEN HIGHT AND WITCHER)

AN ORDINANCE GRANTING A WAIVER TO ALLOW A FREESTANDING POLE SIGN ON CERTAIN REAL PROPERTY LOCATED AT 7125 JFK BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Alderman Hight 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 Hight and seconded by Alderwoman White. Alderman Foutch said he supports any business increasing their advertising in whatever form. Alderman Taylor asked about the location. Alderman Hight said a Starbucks will locate next to Little Ceaser’s Pizza on John F. Kennedy and North Hills Boulevard. 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). (*applicant: Gregg Mueller*)

**PUBLIC COMMENT**

Alderwoman Robinson said she has been getting calls regarding “Tiny Houses” as seen on Home and Garden TV. The houses are 200 to 300 square feet. Would these houses be allowed in an R-1 zone. Mr. Shawn Spencer, Assistant Planning Director said they would not be. Studios are about 600 square



feet. Alderwoman Ross said her grandmother lived in a tiny house. She said the city could possibly have an area for small houses. Mr. James Ard thanked the Hays Center Director for putting a seat in the shower at the center for handicapped use. Mr. Ard said his understanding was that gravel drives in Park Hill would have to be changed if the house sold. Alderwoman Ross said the deadline for all gravel drives in a Restricted Parking District have until December 22, 2018 to fix them. There is no “Grandfather” clause in the ordinance. Alderwoman Ross said people interested in the location of the leaf vacuums should visit the new city website at [www.nlr.ar.gov](http://www.nlr.ar.gov), then click on Residents, then Sanitation to find the current location. Mayor Smith said the vacuums are on the west side of the city. Alderman Hight asked Mr. Wadley if enforcement of the Outdoor Storage Ordinance was complaint driven. Mr. Baxter said no, officers are patrolling the city and issuing citations. Alderwoman Ross said the city is working on a brochure to educate the public regarding the ordinance.

There being no further business to come before the Council, and on the motion of Alderwoman Robinson and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 7:43 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, February 9, 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