

April 25, 2016  
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, April 25, 2016, 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, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, BRUCE FOUTCH, and CHARLIE HIGHT (7/0). Alderman MURRY WITCHER was absent. City Clerk Diane Whitbey and City Attorney C. Jason Carter were also present.

The prayer and pledge of allegiance were led by Mayor Smith.

On the motion of Alderman Hight and seconded by Alderwoman Ross, and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, April 11, 2016, were approved, accepted and filed as prepared by the City Clerk (7/0).

On the blanket motion of Alderman Taylor and seconded by Alderman Foutch, and by consent of all members present, communications #1, 2, 3, and 4 were accepted and filed (7/0).

1. Scott E. Bennett, P. E. Director of Highways and Transportation, Arkansas State Highway and Transportation Department – Notice of I-30 and I-40 Public Meeting – April 26, 2016 –Wyndam Hotel (Silver City Rooms), 2 Riverfront Place, North Little Rock from 5:00 p.m. – 8:00 p.m. Presentation at 5:15 p.m.
2. Glinda Craigmyle, Mayor's Office memorandum re: *Restaurant Mixed Drink – Change of Manager from Nahri Kim* for Bar Louie, 3929 McCain Boulevard, by Falon Vela.
3. Karen Scott, Finance Director – Code Enforcement Fines (collected January thru March, 2016).
4. C. Jason Carter, City Attorney memorandum to City Council members re: Risk Management Committee Quarterly Report.

Mayor Smith advised next week (May 1 through May 7, 2016) is Municipal Clerk's Week and acknowledged North Little Rock City Clerk and Treasurer Diane Whitbey and her staff and thanked them for their service to the city. Mayor Smith then presented a Proclamation to Ms. Whitbey which she accepted for her staff: Linda Marshall, Katelyn Thomas, LaTonya Braggs and Shelley Ussery.

Mayor Smith invited North Little Rock History Commission Director Sandra Taylor Smith to come forward. Mrs. Smith said she was contacted by the Arkansas Historic Presentation Program regarding the University of Central Arkansas (UCA) upper level History Class and a proposed project regarding

the Thomas Cemetery in North Little Rock. The class chose Thomas Cemetery, which has been neglected for many years, as their project. Undergraduate students provided a history of the cemetery and some of those buried there. Unfortunate circumstances caused the property to become a distressed and vandals have caused significant damage over the years. The city has stepped in several times and cleaned up the property. Ways to help the property include restoration and an “Adopt a Grave” program. Ms. Krystal Clark, who is a member of the History Commission, was credited for her efforts in regards to the cemetery.

Mayor Smith announced citizen public comment on legislation. Mr. Damon Crawford spoke regarding O-16-27. He requested a lower roof pitch on a home he is building at 901 Cobblestone. A lower roof pitch will allow less volume making it easier to heat and cool the structure among other things. Solar panels will be installed at a later date. Mr. Crawford referenced other energy efficiency items in the design. Alderman Hight asked if the house can be built without the roof variance. Mr. Shawn Spencer, Planning Director said it could. Alderman Hight said the issue before the council is the roof pitch and not the design of the house. Mrs. Renae Jones asked if council members had received a drawing of the house. She said houses in the neighborhood have steep roofs which cause a house to look large and grand. The proposed roof is referred to as a lean to roof. Those are the type of roof used on sheds and low quality structures. Mrs. Jones said the home will not be similar to other homes in the neighborhood and does not fit in. She then read from their Bill of Assurance. Ms. Vivian Jones allowed Mr. Paul Linicione to speak in her place. Mr. Linicione lives at 823 Cobblestone Circle. Passing the variance would be damaging to his property value. Mr. Linicione is an engineer. He is aware of energy savings construction. He then discussed energy efficiency and energy savings. The proposed construction is not recommended for energy savings in this area. The house does not meet the aesthetics of the area. Mrs. Monica Bryant lives on the other side of the lot and said she is concerned about resale value of homes in the area. The proposed home will stand out with a lower roof pitch. Mr. Gerald Nelson said he has invested in homes over the years and has learned that flat roof homes are not a good idea or investment. Mr. John Baker supports the proposed ordinance. He lives at 118 Cobblestone Circle. The discussion doesn't have anything to do with the pitch of the roof, but the design of the house. What is aesthetic to some may not be to others. He referenced a yard in the neighborhood that is all rock when his is all grass. Without objection, the ordinance was called.

O-16-27

AN ORDINANCE GRANTING A WAIVER TO ALLOW A VARIANCE OF MINIMUM ROOF PITCH REQUIREMENTS FOR CERTAIN REAL PROPERTY LOCATED AT 901 COBBLESTONE CIRCLE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend the rules and place the ordinance on its second reading was made by Alderman Hight and seconded by Alderman Taylor. Alderman Taylor said the roof pitch is part of the aesthetics. He is a realtor and teaches other realtors. This house would be different from any existing structure. It may or may not affect property values. Alderman Foutch asked if Mr. Crawford was going to proceed with the construction if the

pitch change is not allowed. Mr. Crawford might. He added this is a \$400,000.00 home. It is possible to build the house with the pitch as is. Alderwoman White asked about the Bill of Assurance and Mrs. Jones read a section of the same. Mr. Carter said anyone bound by a Bill of Assurance has the right to enforce one. Alderwoman White asked what would happen if Mr. Crawford builds his home. Mr. Carter said neighbors could negotiate or have an interpretation made regarding the Bill of Assurance. Alderman Taylor said Bills of Assurance are put into place for a reason. On the previous motion, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Alderman Hight and seconded by Alderman Taylor, and by consent of all members present, with the exception of Alderwoman White, who voted no, the rules were again suspended and the ordinance was placed on its third and final reading (6/1). On the motion of Alderman Taylor and seconded by Alderman Hight, and the roll having been called, and all members present having voted no, with the exception of Alderman Hight, who voted yes, the motion failed (1/6). (*applicant: Damon Crawford*)

Mayor Smith said he met with Ms. Marion McCall this date and distributed envelopes from her to council members regarding issues in her neighborhood.

### **UNFINISHED BUSINESS**

*None.*

### **CONSENT AGENDA**

On the motion of Alderman Taylor and seconded by Alderman Baxter, and by voice vote, and all members present having voted “aye”, consent items R-16-68, R-16-69, R-16-70, R-16-71, and R-16-72 were adopted (7/0).

R-16-68 (RESOLUTION NO 8981 – MAYOR SMITH)

A RESOLUTION REAPPOINTING MIKE ROSS TO THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-69 (RESOLUTION NO. 8982 – MAYOR SMITH)

A RESOLUTION REAPPOINTING VICKI STEPHENS TO THE PARKS & RECREATION COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-70 (RESOLUTION NO. 8983 – MAYOR SMITH)

A RESOLUTION REAPPOINTING CHARLES LEE JONES TO THE PARKS & RECREATION COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-71 (RESOLUTION NO. 8984 – MAYOR SMITH)

A RESOLUTION APPOINTING DEEANA MONTGOMERY TO THE POSITION PREVIOUSLY HELD BY CONNIE WOODWARD ON THE NORTH LITTLE ROCK HISTORY COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-16-72 (RESOLUTION NO. 8985 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO SELL VACANT LAND LOCATED SOUTHEAST OF THE INTERSECTION OF WILLOW AND 7<sup>TH</sup> STREETS IN THE CITY OF NORTH LITTLE ROCK TO CAMERON AND ANNETTE TERRELL; AND FOR OTHER PURPOSES, was adopted (7/0). (\$3,300.00)

Mayor Smith acknowledged those being reappointing to Board and Commissions and thanked them for their continued service. He also recognized Ms. Deena Montgomery, who was present, and thanked her for her upcoming service on the History Commission.

### **NEW BUSINESS**

R-16-73 (RESOLUTION NO. 8986 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHERS STRUCTURES LOCATED AT 826 WEST 23<sup>RD</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 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 adopted (7/0). (*owner: Harvest Interdenominational Ministries c/o Raymond Govan*)

R-16-74 (RESOLUTION NO. 8987 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTUERS LOCATED AT 920 GRAHAM 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 Alderman Taylor 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 (7/0). (*owner: Federal National Mortgage Association*)

R-16-75 (RESOLUTION NO 8988 – MAYOR SMITH)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4617 MAPLE 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 Alderman Baxter 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. Alderwoman Ross said there was a fire at the location. A dumpster was delivered. Later the dumpster was dumped in the yard. This property has been an issue for some time. On the previous motion, and by consent of all members present, the resolution was adopted (7/0). (*owner: Kenneth Kelly*)

R-16-76 (RESOLUTION NO. 8989 – MAYOR SMITH)

A RESOLUTION APPROVING AND CERTIFYING AMOUNTS OF LIENS TO BE FILED WITH 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 Alderman Hight 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 adopted (7/0).

O-16-25 (ORDINANCE NO. 8807 – MAYOR SMITH, ALDERMEN TAYLOR AND ROBINSON)

AN ORDINANCE AMENDING SECTION 1.1.4 AND CITY PARKS MAP ATTACHMENTS OF NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 10 (PARKS AND RECREATION) TO INCLUDE THE ADDITION OF STONE LINKS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Alderman Taylor asked that he and Alderwoman Robinson be added as cosponsors. On the motion of Alderman Taylor and seconded by Alderman Baxter, and by consent of all members present, the readings were suspended (7/0). On the motion of Alderman Hight and seconded by Alderman Taylor, 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). Mayor Smith commended Parks and Recreation Director Terry Hartwick for the efforts of his department.

O-16-26 (ORDINANCE NO. 8808 – ALDERMEN HIGHT AND TAYLOR)

AN ORDINANCE AMENDING ORDINANCE NO. 7697 (“THE ZONING ORDINANCE”) TO ESTABLISH THE JFK BOULEVARD NORTH SIGN OVERLAY DISTRICT; DECLARING AN EMERGENCY; 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 readings were suspended (7/0). A motion to adopt was made by Alderman Hight and seconded by Alderman Taylor. Alderwoman Ross said there are no variances included in the ordinance. 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 (8/0).

O-16-27 was called earlier in meeting, see above.

**PUBLIC COMMENT**

Ms. Lisa Walton spoke against the River Road / Baring Cross Overlay District and said this is nothing more than a forced Homeowners Association. The residents of Baring Cross do not want this. They have Code Enforcement to handle issues. Alderman Taylor said he and Alderwoman Robinson have heard from residents and will abide by their wishes. Mr. Harlan Hunter is the President of the Baring Cross Neighborhood Association. Outside entities have come in and are trying to dictate what goes on. Rockwater is separate from Baring Cross. Mayor Smith said an Overlay District has been proposed (but not presented to the council). Alderman Hight said Rockwater was part of Baring Cross, but Mr. Hunter said it was not. Mr. Bill Plunkett, Habitat For Humanity thanked the council and city for their support. Habitat supports the neighborhood association. Every building permit (with the exception of one) for the past five years was requested by Habitat. Alderwoman Robinson has received several calls against the proposed Overlay. Mr. Bobby Taylor said Code Enforcement has done everything they can regarding the house next to him. Mr. Taylor has spent a lot of money on his house and is proud of it. He spoke regarding the recent FOCUS in the Rose City Neighborhood and said people want to see it continue. He also thanked Alderwoman Robinson for helping get lights in the area. He also thanked the Electric, Police and Fire Departments for their help. He then spoke about recycling bins that are not being properly used or picked up. Alderwoman Robinson referenced a project in Glenview, the priority of it and when it will be completed. Mr. Ron Harris announced he will be running for Alderman in Ward 3. He lives in Crystal Hill and has 37 years of utility experience and 20 years as a residential builder. Alderwoman Ross said Mr. Hartwick has done a great job since he has been Parks Director. Alderman Hight acknowledged Mr. Robert Voyles, former Planning Director who was present. Alderwoman White said Recycling bins are in neighborhoods when they shouldn't be. The label on the top of her bin is worn off so residents may not know what they should put in them. Alderwoman Ross suggested put "Recycle" on the bins so new residents will know that is what the container is for. Mr. Carter referenced the quarterly report provided this date from the Risk Management Committee transitions and adjustments regarding the same.

There being no further business to come before the Council, and on the motion of Alderwoman White and seconded by Alderwoman Ross, and by consent of all members present, the meeting was adjourned at 7:17 p.m. (7/0), until the next regularly scheduled meeting which will be held on Monday, May 9, 2016, 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