

April 26, 2021
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 26, 2021, was called to order at 6:00 p.m. by the Honorable Mayor Terry C. Hartwick.

The roll having been called and the following Council Members answered to their names: DEBI ROSS, NATHAN HAMILTON, MAURICE TAYLOR, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, JANE GINN, and CHARLIE HIGHT (8/0). City Clerk/Treasurer Diane Whitbey, and City Attorney Amy Fields were also present.

Note: the majority of the Council Members participated in the meeting electronically. Mayor Hartwick, City Clerk Whitbey, City Attorney Fields, Council Members Ross, Hamilton, and Ginn were present in the council chambers.

The prayer was led by Council Member Ginn.

On the motion of Council Member Hight and seconded by Council Member Hamilton, and by consent of all members present, communications #1, 3, 4 and 5, were accepted and filed (8/0).

1. Ember Strange, Finance Director email re: Certificate of Achievement for Excellence in Financial Reporting for 2019 Comprehensive Annual Financial Report from Government Finance Officers Association.
3. Ember Strange, Finance Director – Financial Report and Overview of Financials as of 3-31-21.
4. Amy Fields, City Attorney – re: Risk Management Committee Report – Q1 FY2021.
5. Ember Strange, Finance Director/Chair Energy Risk Management Committee memorandum to City Clerk Diane Whitbey re: Power Cost Adjustment Rate (PCA) for May, 2021 (.0014/kwh) negative.

On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, the minutes from the North Little Rock City Council meeting scheduled for Monday, April 12, 2021, were approved, accepted and filed as prepared by the City Clerk (8/0).

On the motion of Council Member Hight and seconded by Council Member Baxter, and by consent of all members present, communication #2 was read by title only, accepted and filed (8/0).

2. Bailey Noland, Mayor's Office, email from Chris Kent, Argenta CDC re: National Main Street Forward Award.

PRESENTATIONS

Mayor Hartwick presented a Proclamation proclaiming Friday, April 30, 2021 as Arbor Day in the City of North Little Rock. Ms. Whitbey said there will be a tree planting ceremony Friday morning at 10:00 a.m. at which time Tree Board members will join Mayor Hartwick in planting fruit trees at St. Joseph in their Community Garden area.

Mayor Hartwick presented a Proclamation to City Clerk Whitbey proclaiming the 52nd Annual Professional Municipal Clerks Week, May 2 – 8, 2021. Ms. Whitbey thanked Mayor Hartwick and the city and will present the proclamation to the team in the City Clerk's Office.

Finance Director Strange provided a presentation from Sara Lenehan, State Representative of the Arkansas Government Finance Officers Association (AGFO)/CFO City of Little Rock which included a plaque. AGFO was founded in 1906 and includes over 20,000 members from the United States and Canada. Their mission is to advance excellence in public finance. GFOA established a Certificate of Achievement For Excellence in Financial Reporting in 1945 to encourage state and local governments to go above and beyond the minimum requirements expected in financial reporting. Only seven (7) other municipalities in Arkansas have received this award. Mrs. Strange thanked the Mayor and City Council member for their support. She then presented the plaque to the City of North Little Rock, and Assistant Finance Director Colleen Young and Comptroller Amanda Bonner.

Finance Director Strange presented the Quarterly Financial Report to City Council as Communication #3 and reviewed the same. Sales tax funds only included one month of revenue. Those collections were up 5%. Property tax is higher due to weather related delays earlier this year. All departments are in line with budget. Other areas were reviewed and there were no concerns.

UNFINISHED BUSINESS

None.

CONSENT AGENDA

On the motion of Council Member Ross and seconded by Council member Hamilton, and all members present having voted "aye", consent items R-21-52, R-21-53, and R-21-54 were adopted (8/0).

R-21-52 (RESOLUTION NO. 10030 – MAYOR HARTWICK)

A RESOLUTION REAPPOINTING DONALD A. SKRIVANOS TO THE NORTH LITTLE ROCK PARKS AND RECREATION COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-21-53 (RESOLUTION NO. 10031 – MAYOR HARTWICK)

A RESOLUTION REAPPOINTING VICKI STEPHENS TO THE PARKS AND RECREATION COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-21-54 (RESOLUTION NO. 10032 – MAYOR HARTWICK)

A RESOLUTION APPOINTING BRETT DECOURSEY AS A SUCCESSOR COMMISSIONER OF THE YOUNG ROAD MULTI-PURPOSE MUNICIPAL IMPROVEMENT DISTRICT NO. 33 OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was adopted (8/0).

NEW BUSINESS

RESOLUTIONS

Mayor Hartwick convened a public hearing regarding R-21-56, 613 West 22nd Street and R-21-57, 1601 (1605) Augusta Street, condemning said properties. Code Enforcement Interim Director Felicia McHenry said they have not heard from the owner of 613 West 22nd. Ms. McHenry spoke with the owner of 1601 Augusta, Massey Construction this date. There is a hole in the building and it is unsecured. There is also an issue with vagrants. City Attorney Fields reminded everyone the process wherein a property owner may contact the City Attorney to make arrangements for a Rehabilitation Agreement by posting a bond (in an amount sufficient to cover the costs of future demolition if not rehabilitated) if they want to rehab the property. Council Member Hight asked what kind of structure was located at 1601 (1605) Augusta. Ms. McHenry said it may have been an apartment building. However, unoccupied for some time. There being no one present wishing to be heard, the public hearing was adjourned.

R-21-55 (RESOLUTION NO. 10033 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 613 WEST 22ND 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. On the motion of Council Member and seconded by Council Member, and by consent of all members present, the resolution was unanimously adopted (8/0).
(owner: *SFINITI Development, LLC*)

R-21-56 (RESOLUTION NO. 10034 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1601 (1605) AUGUSTA STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Hamilton, and by consent of all members present, the resolution was unanimously adopted (8/0). (owners: *Jeffrey L. Massey and Tina Faulkner*) **See comments from Mr. Massey under Public Comments – these were posted on Facebook during the meeting.

Council Member Ross asked that photos continue to be shown during the council meeting.

R-21-57 (RESOLUTION NO. 10035 – MAYOR HARTWICK)

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 1711 CHANDLER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES,

was read. A motion to adopt was made by Council Member Hamilton and seconded by Council Member Ross. Mayor Hartwick 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, with the exception of Council Member Baxter who was participating via electronic media and had technical difficulties, the resolution was unanimously adopted (7/0/1). (\$5,023.49)

O-21-30

AN ORDINANCE AUTHORIZING THE ISSUANCE OF A PROMISSORY NOTE TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT NO. 78 TO THE ARKANSAS CONSTITUTION FOR THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF REAL PROPERTY AND TANGIBLE PERSONAL PROPERTY; AND PRESCRIBING OTHER MATTERS PERTAINING THERETO, was called and pulled by the sponsor, Mayor Hartwick.

O-21-31 (ORDINANCE NO. 9344 – MAYOR HARTWICK)

AN ORDINANCE REPEALING ORDINANCE NO. 8839 TO REVOKE A CONDITIONAL USE FOR CERTAIN REAL PROPERTY LOCATED AT 2006 HIGHWAY 161 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all member present, with the exception of Council Member Baxter who was participating via electronic media and had technical difficulties, the readings were suspended (7/0/1). On the motion of Council Member Hamilton and seconded by Council Member Taylor, 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 was Edwin Johnson*)

O-21-32 (ORDINANCE NO. 9345 – MAYOR HARTWICK)

AN ORDINANCE REPEALING ORDINANCE NO. 8862 TO REVOKE A CONDITIONAL USE FOR CERTAIN REAL PROPERTY LOCATED AT 2400 WEST 58TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES,

was read. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (8/0). On the motion of all members present, 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 was NLRSD*)

O-21-33 (ORDINANCE NO. 9346 – MAYOR HARTWICK)

AN ORDINANCE REPEALING ORDINANCE NO. 9133 TO REVOKE A CONDITIONAL USE FOR CERTAIN REAL PROPERTY LOCATED AT 115 EAST 24TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Council Member Hight and seconded by Council Member Baxter, and by consent of all members present, the readings were suspended (8/0). On the motion of Council Member Hight and seconded by Council Member 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 was Halff + Marlar*)

O-21-34 (ORDINANCE NO. 9347 – MAYOR HARTWICK)

AN ORDINANCE REPEALING ORDINANCE NO. 9234 TO REVOKE A CONDITIONAL USE FOR CERTAIN REAL PROPERTY LOCATED AT 909 WEST 35TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES; was read.

On the motion of Council Member Taylor and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (8/0). On the motion of Council Member Taylor and seconded by Council Member 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: Sam Emmerling*)

O-21-35 (ORDINANCE NO. 9348 – MAYOR HARTWICK)

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO ESO SOLUTIONS, INC. FOR THE PURCHASE OF A SOFTWARE SUBSCRIPTION FOR DAILY OPERATIONS FOR THE NORTH LITTLE ROCK FIRE DEPARTMENT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Council Member Ross and seconded by Council Member Hamilton, and by consent of all members present, the readings were suspended (8/0). North Little Rock Fire Chief Gerald Tucker said the software currently used has been purchased by another company. Current data will be switched to the new software and be in compliance with Arkansas Department of Health requirements related to medical calls. On the motion of Council Member Ginn and seconded by Council Member 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).

(\$41,551.50)

O-21-36 (ORDINANCE NO. 9349 - MAYOR HARTWICK *for consideration only*)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 7904 EANES ROAD IN THE PLANNING JURISDICTION OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM I1 TO R2 AND RT1 ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Council Member Baxter and seconded by Council Member Hight, and by consent of all members

present, the readings were suspended (8/0). Council Member Taylor asked about the change from I1 to R2 and RT1. Mr. Shawn Spencer, Planning Director advised RT1 allows a mobile home. This area is outside the city limits. The property parcels are currently I1. The applicant, Mr. Hardaway wants to rezone to R2 to recognize his existing home, and a small triangular parcel to RT1 to allow a mobile home facing a lake. Mr. Hardaway participated in the meeting by telephone and said the mobile home would be for his daughter. Council Member Robinson confirmed the property is outside the city limits. On the motion of Council Member Ross and seconded by Council Member Hamilton, and the roll having been called, and all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Jerry Lynn Hardaway*)

O-21-37 (ORDINANCE NO. 9350 – COUNCIL MEMBERS BAXTER AND HARRIS)
AN ORDINANCE WAIVING CERTAIN SECTIONS OF ARTICLE 15 OF THE SUBDIVISION
ORDINANCE (ORDINANCE NO. 7946) FOR PROPERTY LOCATED ON DIVISION STREET TO
ALLOW THE WAIVER OF STREET IMPROVEMENTS; DECLARING AN EMERGENCY; AND
FOR OTHER PURPOSES, was read. Without objection, Council Member Harris was added as a cosponsor. On the motion of Council Member Baxter and seconded by Council Member Ginn, and by consent of all members present, the readings were suspended (8/0). Council Member Baxter said Division Street ends at a chain-link fence. Mr. Spencer said this legislation includes waiving full street improvements. Mayor Hartwick visited the area and advised there is a tower which ends at an Electric Substation. Council Member Hamilton said Melissa Penney Forrester advised via Facebook she is in support of this legislation. (Ms. Penney-Forrester attempted to join the meeting by telephone but was unable to do so.) On the motion of Council Member Baxter and seconded by Council Member Hamilton, 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). (*Brian Dale of Joe White & Associates, Inc.*)

PUBLIC COMMENT

Council Member Robinson asked City Clerk Whitbey if the city provides a General Business (Privilege) License. Ms. Whitbey said there is a license titled Unclassified for anything that does not fit under an existing code. Ms. Whitbey provided examples of business types with a code. Council Member Robinson gave an example of a Hair Salon that also sells clothing etc. in the back of the business. Ms. Whitbey said they could sell wholesale/retail items related to a hair salon like hair care products with an add-on for Wholesale/Retail at a reduced rate. However, if the business is more like a department store, a separate license would be required. Council Member Robinson then asked about “yard greeting signs”. Residents are paying to have these placed on their property for special events, etc. Ms. Whitbey said anyone conducting any type of business they receive payment for, including renting and placing the signs, would be required to hold a city business license. Council Member Robinson then asked about “Pop Up Markets” where vendors pay a fee to set up a booth. Ms. Whitbey said the property owner would have to have zoning approval first and a business license. If it is allowed inside the building, under zoning, and a business license is held, they would be able to do so. However, if it is outside the building, zoning requirements would have to be met before a business license could be issued. Vendors would also be required to hold individual licenses (permits). North

Little Rock would honor a current vendor license issued by another city in the state. **Council Member Hamilton advised Mr. Jeff Massey attempted to call into the meeting. He posted several comments on Facebook advising the building (1601 (1605) Augusta) is not intended for occupancy. It has been used for storage, which he (Mr. Massey) said City Planning advised him was fine. He said if anyone has been in the building, they are breaking in. A tree fell on the room last year during a storm. It hasn't been repaired due to COVID. Mr. Massey added in his comments that the building was very solid and is concrete block and slab. He will block the doors upstairs but is not tearing down the building. He added in his comments that whoever purchased the house and building will want the building for storage. They could add a garage door and park in the building. It is not zoned for apartments. Mr. Massey also added he spoke with the Code Enforcement Director in February. He had renters in the house (an employee). His intent is to sell the house and building. Janet Jones Company will handling the listing. Mr. Massey's final comment was that he would contact Code Enforcement (April 27, 2021). Council Member Ross said the council's condemnation is not the final action. The owner does have to contact both Code Enforcement and the City Attorney and post a (cash) bond. Mayor Hartwick asked Ms. McHenry to contact Mr. Massey and advise him of the steps to be taken. Council Member Harris saw on National News that Census Data has been delivered and asked if the city had any information. Mr. Spencer said he looked up the information and said the information provided was regarding Congressional Districts only.

Mayor Hartwick introduced a video made by the North Little Rock Advertising promoting "501 Day" in central Arkansas featuring former University of Arkansas at Little Rock Head Coach, Steve Shields. Mr. Shields is also North Little Rock Parks and Recreation Department Director.

Mayor Hartwick added he will update everyone after Arkansas Governor (Asa Hutchinson) updates the public regarding COVID procedures. Council Member Ginn announced the new Amazon plant will be hiring in May and applications will be taken at Workforce in Little Rock on Saturday. Mayor Hartwick said there will be another COVID vaccination clinic this Saturday, May 1, 2021, at Simmons Bank Arena.

There being no further business to come before the Council, and on the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, the meeting was adjourned at 6:54 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, May 10, 2021, 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 TERRY C. HARTWICK

ATTEST: _____
DIANE WHITBEY, CITY CLERK