

July 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, July 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, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, JANE GINN, and CHARLIE HIGHT (7/0). Council Member MAURICE TAYLOR was not present during roll call. Chief Deputy City Clerk/Treasurer Katelyn Thomas, Deputy City Clerk/Treasurer Talor Shinn, and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance were led by Council Member Hight.

On the motion of Council Member Hight and seconded by Council Member Ross, and by consent of all members present, the minutes from the North Little Rock City Council meeting scheduled for Monday, July 12, 2021, were approved, accepted and filed as prepared by the City Clerk Diane Whitbey (7/0).

On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, communication #1, was accepted and filed (8/0).

*Note: Council Member Taylor entered the Council Chambers at 6:05 p.m.*

1. Ember Strange, North Little Rock Chief Finance Officer, June 2021 Financial Update (Report).

### **PRESENTATIONS**

Mayor Hartwick invited Council Member Ross to the podium and presented her with the Arkansas Municipal League Marvin Vinson Commitment to Excellence Award (named for the longtime Clarksville mayor who served from 1983 to 2001 and was League president in 1992-1993). The award is presented to municipal leaders who have served their cities and the League for 12 years. During that time, Council Member Ross served on the Large First Class Cities Advisory Council, as a District Director and on the Executive Committee. Council Member Ross said it has been an honor and encouraged everyone to give back to their community through volunteer service.

### **UNFINISHED BUSINESS**

*None.*

## **CONSENT AGENDA**

On the motion of Council Member Hamilton and seconded by Council Member Ross, and all members present having voted “aye” Consent items R-21-90, R-21-91, R-21-92, and R-21-93 were unanimously adopted (8/0).

R-21-90 (RESOLUTION NO. 10067 – MAYOR HARTWICK)

A RESOLUTION APPOINTING THOMAS R. POWNALL AS SUCCESSOR ASSESSOR OF THE ARGENTA DOWNTOWN CENTRAL BUSINESS IMPROVEMENT DISTRICT NO. 31, was unanimously adopted (8/0).

R-21-91 (RESOLUTION NO. 10068 – MAYOR HARTWICK)

A RESOLUTION APPOINTING KATIE PHIPPIN TO THE POSITION PREVIOUSLY HELD BY VICKI MATTHEWS ON THE NORTH LITTLE ROCK LIBRARY COMMISSION; AND FOR OTHER PURPOSES, was unanimously adopted (8/0).

R-21-92 (RESOLUTION NO. 10069 – MAYOR HARTWICK)

A RESOLUTION REPEALING RESOLUTION NO. 9663 WHICH CONDEMNED PROPERTY LOCATED AT 3320 EAST BROADWAY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was unanimously adopted (8/0).

R-21-93 (RESOLUTION NO. 10070 – MAYOR HARTWICK)

A RESOLUTION ACCEPTING THE DONATION OF CERTAIN REAL PROPERTY LOCATED ON BARTON ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM LENA BELLE YOUNG STAFFORD LIMITED PARTNERSHIP; AND FOR OTHER PURPOSES, was unanimously adopted (8/0).

## **NEW BUSINESS**

R-21-94 (RESOLUTION NO. 10071 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A LICENSE AGREEMENT WITH UNITE PRIVATE NETWORKS, LLC; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Taylor and seconded by Council Member Hamilton. Council Member Ross said this is for Fiber Optic (installation) which we need and want. When the lines are put in place, white poles with orange tops (line markers) are installed. There are eight (8) poles at the intersection of McCain Boulevard and Fairway. The poles are frequently knocked over and look bad. This also causes more work for the Street Department when they cut the right-of-way. Council Member Ross asked if there was another way to mark the lines. City Engineer Chris Wilbourn said the city would need to work with the vendor on a case-by-case basis. City Attorney Fields said the city has to treat each of the telecommunications company the same way. She has been in contact with Unite to express the concerns of Council Member Ross. Council Member Taylor asked if there was a Federal or State Law that mandates the markers. Mr. Wilbourn

will have to research the question with the utilities. The pole markers are for visibility. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-21-95 (RESOLUTION NO. 10072 – MAYOR HARTWICK, COUNCIL MEMBERS ROSS, HAMILTON, ROBINSON, TAYLOR, BAXTER, HARRIS, HIGHT AND GINN)

A RESOLUTION AMENDING THE 2021 BUDGET FOR THE CITY OF NORTH LITTLE ROCK TO ESTABLISH AN AMERICAN RESCUE PLAN ACT GRANT FUND AND BUDGET FOR THE FUND; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Taylor and seconded by Council Member Baxter. Council Member Ross asked if those who would receive funds who were present could speak. Ms. Kristina Gulley, Pulaski County Quorum Court Member asked the council to consider the underserved communities in her district. Specifically, Dark Hollow and Dixie Addition. Both need assistance. Mayor Hartwick said all areas of the city will receive assistance. He added that he hoped County Officials will address the same issues as they had received approximately \$76,000,000.00 in Cares Act Funding. Ms. Gulley said she hopes for a partnership with the city to assist with the Unsheltered (Homeless) Community in the city. Ms. Bailey Faulkner is with the Ozark Mission Project and has had a partnership with the city for 15 years to provide assistance to members of the community. These funds will help them continue to provide services by building wheel chair ramps and other minor repair work for families in need. Mrs. Crystal Gates, Executive Director of Laman Library spoke regarding their request for a mobile library branch that could reach all areas of the city. This would allow them to meet the needs of everyone (citywide) by providing WiFi, computer access, training, Workforce Development, Early Literacy Programs, and more. The Book Mobile would be more than books. Council Member Ross advised the funds can only be used in underserved areas and based on income level. CFO Strange said there are four categories under the plan: A - Expenses (Respond to Public Health Emergency or its Negative Economic Impacts), B - Expenses (Premium Pay), C - Expenses (Government Services to the Extent of Revenue Reduction) and D - Expenses (Water, Sewer, Broadband Infrastructure). Extensive reporting requirements are required. Council Member Taylor asked about the low income areas. Mrs. Strange said those areas are based on the Census tract. Under category D, funds can be used for improvements within the Wards. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (*estimated - \$16,769,718.00*). Mayor Hartwick said city leaders have been working on the use of these funds for several months.

R-21-96 (RESOLUTION NO. 10073 – MAYOR HARTWICK)

A RESOLUTION AMENDING THE 2019 ANNUAL ACTION PLAN OF THE CITY OF NORTH LITTLE ROCK IN REGARD TO THE INCLUSION OF THE COMMUNITY DEVELOPMENT BLOCK GRANT-CORONAVIRUS (CDBG-CV) PROGRAM ALLOCATION AND PROJECTS, was read. Mayor Hartwick convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Council Member Baxter and seconded by

Council Member Harris, and by consent of all members present, the resolution was unanimously adopted (8/0).

Mayor Hartwick convened a public hearing on the following items: R-21-97 – 113 Farmere Circle, R-21-98 – 710 East 16<sup>th</sup> Street, R-21-99 – 520 Middle Street, and R-21-100 – 5815 MacArthur Drive. Mr. Freddie Chestnut spoke regarding 710 East 16<sup>th</sup> Street. He is trying to remodel the house. He lost his job due to COVID-19. He had been looking for someone to do some work and has begun hanging sheetrock. He has also done yardwork. A tree fell on the house which they have removed. Mr. Chestnut asked for another chance. Council Member Ross asked how long the house had been vacant. Mr. Chestnut said it has been a while. Council Member Ross said it appears to have been vacant since 2011. Mr. Chestnut agreed that was correct and they have been working on it. Council Member Ginn asked what they will have done within 30 days. Mr. Chestnut said the front room and two bedrooms. Code Enforcement Director Felicia McHenry was asked to come forward. Mrs. McHenry advised the structure has been vacant since 2011. Code Enforcement has attempted to contact the property owner. The lot is overgrown and a public nuisance. The city has received numerous complaints on this property. Council Member Taylor reminded everyone of the process which includes entering into a Rehab (rehabilitation) Agreement with the City Attorney. City Attorney Fields said the owners have 30 days to contact the City Attorney's Office to set up an agreement and bond. Mr. Chestnut's brother (unidentified) said they have two rooms almost done. Their goal is to get the house ready for occupancy. Council Member Baxter referenced legislation repealing a condemnation if the terms of the agreement are met. Mr. Trinity Gustus spoke regarding 520 Middle Street. The house was damaged due to arson which he said was not properly investigated. He had the names and contact numbers for two witnesses. The walls are sturdy. There are four (ceiling) beams that need to be replaced in the attic. Mr. Gustus said he has an agreement to sell the property and has received Earnest Money. The new owner would like time to work on the property which is located at the corner of Middle and Lynch. Mayor Hartwick said he was familiar with the property. Mrs. McHenry advised this property was an issue prior to the fire. Code Enforcement received numerous complaints regarding trash and debris. Code Enforcement Officer (Cedric) Williams had contact with Mr. Gustus prior to the fire. Ms. Gustus has contacted Community Development and local churches seeking assistance (funding) to rehabilitate the property. Mr. Gustus said he did not speak to Mr. Williams until after the fire. Ms. Erica Bean will make her final payment to Mr. Gustus on August 25, 2021. Council Member Taylor asked Mr. Gustus when he entered into a contract to sell with Ms. Bean. Mr. Gustus said the date was July 16 (2021) of this year. Mr. Gustus said the fire was in February. He said the structure was habitable prior to the fire. Mr. Gustus asked if the condemnation would be against him or the new owner. There being no one else wishing to be heard, the public hearing was adjourned.

R-21-97 (RESOLUTION NO. 10074 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 113 FARMERE CIRCLE 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 Baxter and seconded by Council Member Hamilton, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Phyliss Ann Griffiths c/o Lauren Griffiths*)

R-21-98 (RESOLUTION NO. 10075 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 710 EAST 16<sup>TH</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. On the motion of Council Member Hight and seconded by Council Member Hamilton, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Estate of Emmitt Chestnut c/o Freddie Chestnut*)

R-21-99 (RESOLUTION NO. 10076 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 520 MIDDLE 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 Taylor and seconded by Council Member Hamilton, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Trinity Allen Gustus*)

R-21-100 (RESOLUTION NO. 10077 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 5815 MACARTHUR 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 read. On the motion of Council Member Ginn and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Charles Zajac*)

R-21-101 (RESOLUTION NO. 10078 – 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 1320 EAST WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was called. Mayor Hartwick convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned and the item was read. On the motion of Council Member Baxter and seconded by Council Member Taylor,

and by consent of all members present, the resolution was unanimously adopted (8/0). (*amount - \$3,470.80*).

R-21-102 (RESOLUTION NO. 10079 – MAYOR HARTWICK)

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 called. Mayor Hartwick convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned and the item was read. Council Member Ross said a large number of these condemnations (36%) are on properties owned by out-of-state investment companies. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

O-21-67 (ORDINANCE NO. 9379 – MAYOR HARTWICK)

AN ORDINANCE PROVIDING FOR THE COLLECTION OF A FRANCHISE FEE BY UNITE PRIVATE NETWORKS, LLC, ON SERVICES PROVIDED WITHIN THE MUNICIPAL BOUNDARIES OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; THE METHOD OF PAYMENT THEREOF; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Taylor, 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 Robinson, 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).

Council Member Hight asked for an update regarding status of Fiber Optic installation in (residential) areas. Mr. Wilbourn said this is an ongoing process. The work is being done by a subcontractor.

O-21-68 (ORDINANCE NO. 9380 – MAYOR HARTWICK)

AN ORDINANCE AMENDING SECTION 4.1.3 OF THE NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 10, PARKS AND RECREATION; 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 Council Member Taylor 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). (*re: Consumption of Alcoholic Beverage in a City Park*)

O-21-69 (ORDINANCE NO. 9381 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE APPROVING THE APPLICATION OF THE CULTURE CIGAR LOUNGE FOR A PRIVATE CLUB TO BE LOCATED AT 409 MAIN STREET, 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 Robinson, and by consent of all members present, the readings were suspended (8/0). The applicants, Mr. Vincent McFadden and Mr. David Joplin were present. Council Member Taylor said the applicants cannot move forward with their applications with the State Alcohol Beverage Control or State Tobacco Control Board without legislation from the city approving their application. Council Member Hamilton asked why the application was for a Private Club and not a Mixed Drink Permit. Mr. Joplin said a Private Club License is required if food is not served. Their hours of operation will be 11:00 a.m. until midnight. Council Member Hamilton asked if any neighbors had expressed concerns regarding their filtration system. Mr. Joplin said they will be partnering with Brood and Barley and the Argenta Community Theatre (ACT). They will have a 30 ton filtration unit for 2,700 square feet. Council Member Robinson spoke with Vince Insalaco (ACT) about this request and was advised they think this will be a good addition to the neighborhood. Council Member Ross asked if membership is required. Mr. Joplin said ABC requires membership for alcohol consumption. Day passes will also be available for \$5.00 a day. Beginning membership will be \$25.00 for 6 months. On the motion of Council Member Taylor and seconded by Council Member Ross, 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). (*applicants: Vincent McFadden and David Joplin*)

O-21-70 (ORDINANCE NO. 9382 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE WAIVING CERTAIN SECTIONS OF ARTICLE 15 OF THE SUBDIVISION ORDINANCE (ORDINANCE NO. 7946) AND SECTION 7.2.3 OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR PROPERTY LOCATED AT 700 DIXIE STREET TO ALLOW THE WAIVER OF STREET IMPROVEMENTS AND LANDSCAPING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member

Robinson and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (8/0). On the motion of Council Member Robinson 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). (*applicant: Thomas R. Pownall, Thomas Engineering Company*)

O-21-71 (ORDINANCE NO. 9383 – COUNCIL MEMBERS HARRIS AND BAXTER)

AN ORDINANCE REZONING CERTAIN REAL PROPERTY LOCATED AT 9750 WHITE OAK CROSSING IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R1 TO C4 CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council

Member Harris, and by consent of all members present, the readings were suspended (8/0). Council Member Ross spoke with Planning Director Shawn Spencer about outdoor storage and was advised the applicant would have to come back to the city council to if they wanted to add it. The applicant, Mr. Eric Holloway said he understands the requirement. Mayor Hartwick introduced Mr. Stuart Vess who was present and served on the City Council for eight years. On the motion of Council Member Hight and seconded by Council Member Harris, 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). (*Holloway Engineering*)

O-21-72 (ORDINANCE NO. 9384 – COUNCIL MEMBER TAYLOR *for consideration only*) AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A DAYCARE IN AN R3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2001 PARKER 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 Hamilton, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Council Member Hamilton and seconded by Council Member Robinson. Council Member Taylor said there have been issues with this location in the past. He advised this is a new applicant, however, the daycare is owned by the same person. The applicant, Ms. Joyce Hall is aware of the concerns. Mr. Tim Reavis, Assistant Planning Director said the city's building inspector will look at the location to determine if any work needs to be done before the department will sign a zoning certificate. The current owner is still the applicant. Council Member Baxter asked if there was an active permit issued. Mr. Reavis said there was not. Council Member Baxter advised there was work being conducted earlier today. Council Member Hamilton asked about the previous Special Use. Council Member Taylor said the owner/applicant did not meet the conditions of the previous legislation. The previous ordinance was revoked due to the conditions not being met. On the previous motion, and the roll having been called, and all members present having affirmative, with the exception of Council Member Baxter who voted no, the ordinance was adopted (7/1). Emergency clause unanimously adopted (8/0). (*applicant: Joyce Hall*) Council Member Taylor advised the applicant if the conditions are not met, the city council can revoke this ordinance.

### **PUBLIC COMMENT**

None.

There being no further business to come before the Council, and on the motion of Council Member Hamilton and seconded by Council Member Ross, and by consent of all members present, the meeting was adjourned at 7:00 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, August 9, 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