

April 11, 2022  
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 11, 2022, was called to order at 6:00 p.m. by the Honorable Mayor Terry C. Hartwick.

Due to the rise in COVID-19 cases and Arkansas Governor Asa Hutchinson reinstating a state-wide public health emergency, council members had the option of attending the council meeting in person or participate virtually. The Council Chambers were open to the public and social distancing and the use of masks were encouraged for those attending the meeting in person.

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 unable to join the meeting electronically and was therefore absent. City Clerk/Treasurer Diane Whitbey, Deputy City Clerk/Treasurer Jim Scott and Deputy City Attorney Marie Bernard Miller were also present.

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

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, March 28, 2022, were approved, accepted and filed as prepared by the City Clerk, Diane Whitbey (7/0).

*Note:* Council Member Hight entered the Council Chambers at 6:02 p.m.

On the blanket motion of Council Member Hamilton and seconded by Council Member Ross, and by consent of all members present, communication #1 was accepted and filed (7/0).

1. Anita Paul, Mayor's Office memorandum re: *Grocery Store Wine, Retail beer Off Premises, Small Farm Winery – Retail Permit – Replacement / New Owner*, for Casey's #4250, 3300 Springhill Drive, by Robert Harris.

## **PRESENTATIONS**

Mayor Hartwick asked the North Little Rock High School Girls Basketball Coach Darryl Finkle and team members who were present to come forward. Coach Finkle introduced the team as the 2022 Arkansas Girls Basketball State Champions. The team finished the year 27 and 4. Four of the seniors will go on to play college basketball. The team had an outstanding season and the players were a true

team which included an unbelievable group of young women. The team then posed for photos with the Mayor and Council Members.

Mayor Hartwick then invited North Little Rock High School Boys Basketball Coach John Rice and team members to come forward. Coach Rice introduced the team as the 2022 Arkansas Boys Basketball State Champions. His team included two McDonald's All American players. The team was made up of a core group which traveled from Dallas to Memphis, then Fort Meyers and followed by Pine Bluff for the King Cotton Classic. Coach Rice said people in the airports, hotels, etc. commented to him on how respectful and good these young men were. This was a great first impression for North Little Rock student athletes to make. The team won their games in Fort Meyers followed by 20 in a row. The team then posed for photos with the Mayor and Council Members.

### **UNFINISHED BUSINESS**

**R-22-54 (RESOLUTION NO. 10263 – MAYOR HARTWICK)**

**A RESOLUTION REAPPOINTING EDWARD NELSON TO THE NORTH LITTLE ROCK WASTE WATER TREATMENT COMMITTEE; AND FOR OTHER PURPOSES**, was read. A motion to adopt was made by Council Member Hamilton and seconded by Council Member Harris. Council Member Harris has visited with people in Conway, Maumelle and Sherwood. The council recently discussed expansion of the system. The Little Rock Waste Water Committee has a rotating Council Member/Director. Council Member Harris suggested appointing a member who lives in Maumelle and Sherwood. He said the term limits should be considered along with a change in members. This could benefit the Committee over all. Council Member Ginn asked Wastewater Director Michael Clayton how long Mr. Nelson had served on the committee. Mr. Clayton said Mr. Nelson has been a long term member (20+ years) and has been a valuable asset to the committee based on his knowledge, critical thinking skills, etc. He helps make decisions that are in the best interest of the rate payers. Mr. Clayton said the Committee has discussed members from outside the city. The current ordinance requires that members must be a resident of the City of North Little Rock in order to serve on the North Little Rock Wastewater Treatment Committee. Council Member Hamilton asked if Mr. Nelson was paid for his service. Mr. Clayton said it is a volunteer committee, therefore there is no pay. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

O-22-04

**AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW LARGE VEHICLE AND IMPLEMENT OUTDOOR STORAGE IN A C4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1101 EAST BROADWAY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**, was called and held. *Note: this item has been on the agenda six consecutive meetings and will be removed following this meeting by the City Clerk. (applicant: Ester Jackson)*

O-22-20 (ORDINANCE NO. 9446 – MAYOR HARTWICK)

AN ORDINANCE REDISTRICTING THE WARDS WITHIN THE CITY OF NORTH LITTLE ROCK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read Monday,

March 28, 2022, and the readings were suspended. The ordinance was read again this date. On the motion of Council Member Ross and seconded by Council Member Hamilton, 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). *Note:* No Council Members were contacted by any constituents with concerns regarding redistricting the Wards. Council Member Ross referenced the use of Community Development Block Grant (CDBG) funds, since this will affect the area of funding.

O-22-25 (ORDINANCE NO. 9447 – MAYOR HARTWICK)

AN ORDINANCE REPEALING ORDINANCE NO. 9004; REVOKING A SPECIAL USE FOR A MOBILE HOME IN AN R2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 7001 FAULKNER LAKE ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS;

DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time, March 28, 2022. A public hearing was convened and recessed until this date. The ordinance was called and read a second time. Mayor Hartwick reconvened the public hearing. Ms. Sheila Campbell, Attorney at Law was present representing the property owner, Mr. Delano Davis. Mr. Davis was granted a Special Use in April, 2018. He moved a mobile home onto 10.6 acres of land located at 7001 Faulkner Lake Road. Ms. Campbell referenced the (COVID-19) Pandemic. She advised during the time allowed under the Special Use, Mr. Davis was able to convert his mobile home into realty pursuant AR Code §27-14-16-3 by affixing the manufactured home and surrendering the Certificate of Origin. His home is now taxed as realty. Mr. Davis has spent \$90,000.00 on the mobile home. He bricked it and brought it up to standards so he could borrow money on the structure. It would be an undue burden and hardship to tear down the mobile home which would affect the structural integrity of the same. Mr. Davis lives in the home with his wife and two children. The home does not detract from the area where he resides. The home has been valued at \$336,000.00. It is comparable to other homes in the area. Ms. Campbell referenced the purpose of the ordinance according to written rules and regulations and said it should not be granted if it would result in an undue hardship. The family is working and trying to provide a decent place for their family to live. Ms. Campbell asked that the Planning Commission's vote to have the home removed be denied. There being no one else wishing to be heard, the public hearing was adjourned. Mayor Hartwick asked Planning Director Shawn Spencer to come forward. Mr. Spencer said on April 10, 2018, Mr. Davis appeared before the (North Little Rock) Planning Commission and asked if he could move a mobile home onto the property while he built a house. He told the Commission he only wanted a mobile home for one (1) year as his goal was to have the house built within one (1) year. The Planning Commission recommended three (3) years) to allow for unforeseen circumstances. There were neighbors present at the meeting who opposed the mobile home. The neighbors agreed that if the house was built and the mobile home was removed they would approve. The commission then voted to support the request and referred it to the City Council for approval. The City Council voted on May 14, 2018 to grant the Special Use. The Special Use to allow

the mobile home was granted as a temporary use while a permanent structure/house was being built. The Planning Commission has received calls that a house was not built within the allowed three (3) years. Planning staff contacted Mr. Davis and advised him of a public hearing to revoke the Special Use. Mr. Davis was also advised there is no process to extend a Special Use as a permanent use. Mr. Davis the Planning Commission advised he has modified the home to meet the Pulaski County Assessor's Office requirements for tax purposes as a home. The Planning Commission was advised by Mr. Spencer the modified mobile home did not meet North Little Rock Zoning Ordinance requirements. No inspections have been done, so the city has no way to know if the home meets city fire codes, building codes, etc. The Planning Commission was advised they could only vote to revoke the Special Use since notice was only published in the newspaper and provided to the neighbors with regard to revocation. The Planning Commission voted on March 8, 2022, to revoke the Special Use. Mr. Davis was advised he would have to start a new process to request rezoning of the property. The public hearing this date is for the revocation of the Special Use. Council Member Hight said this is an example of the City Council making an exception for someone by allowing a period of time to complete a task. The Council needs to follow through with what should happen if the agreement isn't met. He referenced other property in the city. Council Member Harris said it looked like Mr. Davis never started a house. It appears a front porch and brick were added to the mobile home. The packet distributed this date by Ms. Campbell shows a roof, porch, masonry wall and permanent foundation have been added. Mr. Spencer said under North Little Rock Zoning and Building Codes, the property is a mobile home. Mr. Spencer said an application to rezone can be made to rezone the structure. The item before the council is whether or not the Special Use should be revoked. Council Member Baxter referenced the following items and asked if a permit would be required for a house: brick, deck with top, install a metal roof, and windows. Mr. Spencer said no permits were pulled. Part of the property is in (Pulaski) county. It would be up to the applicant to request a permit. If the property were in the city a permit would be automatically required. The Special Use included that all city codes must be met. Council Member Robinson said Mr. Davis was allowed the mobile home so he could build a house. The house was never built. The applicant is no longer referencing building a house. Council Member Harris asked if the item could be held to allow time to go look at the property. Council Member Hamilton said whether the Special Use is revoked or not, the property is not zoned for a mobile home. On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, with the exception of Council Members Hamilton and Harris, who voted no, and the Mayor having voted yes, the motion to suspend the remaining reading was adopted (6/2). Mayor Hartwick reminded those present that a public hearing was held during this meeting. On the motion of Council Member Ross and seconded by Council Member Ginn, and the roll having been called, and all members present having voted in the affirmative, with the exception of Council Member Harris, who voted no, the ordinance was adopted (6/1). Emergency clause adopted (7/0). (owner: Delano Davis)

Mayor Hartwick asked Mr. Spencer what steps the owner needs to take. Mr. Spencer said they would begin the process at the Planning Commission with notification to neighbors and in the newspaper. Council Member Ross said the owner has 30 days to appeal the council's decision to Circuit Court.

### CONSENT AGENDA

All items were pulled and called under New Business.

### NEW BUSINESS

R-22-79 (RESOLUTION NO. 10264 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN ELECTRIC CUSTOMER ASSISTANCE SERVICES AGREEMENT WITH CENTRAL ARKANSAS DEVELOPMENT COUNCIL (CADC) FOR 2022; 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 adopted (7/0).

R-22-80 (RESOLUTION NO. 10265 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, the resolution was adopted (7/0).

R-22-81 (RESOLUTION NO. 10266 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A EXCLUSIVE LISTING CONTRACTS WITH IREALTY ARKANSAS SHERWOOD TO SELL SEVEN TEN VACANT LOTS LOCATED IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Ross and seconded by Council Member Baxter. Mrs. Colleen Bailey said these are small lots the city has had to maintain (mow). On the motion of Council Member Ross and seconded by Council Member Hamilton, and by consent of all members present, the resolution was amended as follows: *in title strike through seven and insert TEN, and attach map including locations of all listings provided this date (7/0). (combined listing - \$95,000.00)*

O-22-27 (ORDINANCE NO. 9448 – COUNCIL MEMBER BAXTER)

AN ORDINANCE VACATING AND ABANDONING A CERTAIN UNUSED EASEMENT ON PROPERTY LOCATED AT FORT ROOTS ALONG HILL ROAD ON BEHALF OF THE CENTRAL ARKANSAS VETERAN HEALTHCARE SYSTEM (CAVHS); DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Baxter and seconded by Council Member Ross. Mr. Thomas Williams and Mr. Shane Marriott were both present via

telephone. They were both in support of the ordinance. On the previous motion, and by consent of all members present, the ordinance was adopted (7/0). Emergency clause adopted (7/0). *(requested by Thomas Williams – CAVHS)*

O-22-28 (ORDINANCE NO. 9449 – COUNCIL MEMBER HAMILTON *for consideration only*)  
AN ORDINANCE WAIVING SECTION 9.11.A OF THE SUBDIVISION ORDINANCE  
(ORDINANCE NO. 7946) FOR PROPERTY LOCATED AT 4300 STOCKTON DRIVE TO ALLOW  
THE WAIVER OF SIDEWALK REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR  
OTHER PURPOSES, was read. On the motion of Council Member Hamilton and seconded by Council Member Hight, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Ross and seconded by Council Member Hight. Council Member Hamilton said this item is for consideration only. Council Member Ross asked if Mr. Spencer could explain the application. Mr. Spencer said the Planning Commission required the sidewalks. The applicant proposed to build the sidewalks on the Smokey Lane side once the other lot is developed. Stockton only has a sidewalk on the north side up to the next intersection. The south side is zoned for Industrial Use. Council Member Hamilton spoke with the Engineer, Mr. Bear Davidson. He went on to add this is the city's opportunity to build a sidewalk in this location. Council Member Robinson asked if this location was in an Industrial area. Mr. Spencer said it is not in an Industrial Subdivision (which does not require sidewalks). Council Member Hight said there is not a sidewalk from Smokey Lane down that side. He asked why the sidewalk was waived previously. Mr. Spencer said it may not have been a requirement when the building was built. Mr. Davidson said they understand the sidewalk and half street improvement requirement. There was a required replat of property located between Kum & Go and the Mastec Building after Mastec sold 30' of their land to an adjacent owner so their land would be more developable. This triggered the requirement for a sidewalk in front of the Mastec Building which is about 600 linear feet. The building is already developed and has been there for decades. Mastec does not wish to build or develop anything. The sidewalk on Smokey (Lane) will be installed. A sidewalk to the east would lead to "nowhere". Council Member Ross said this is an example of why the city needs an ordinance that would create an In Lieu of Fee Fund. Those funds would be available within the ward where they are paid and could be used for future sidewalks. Council Member Harris asked if sidewalks would ever be built to Stockton. Mr. Davidson said the area is already built out to Richards. Council Member Hamilton said it would make no sense to require the sidewalk requirement in the future if it is waived now. Council Member Baxter said there is a hotel and med center near this location. A lot of the health care professionals in the area and people staying in hotels like to get out and exercise. As a runner he would want sidewalks to run on. On the previous motion, and the roll having been called, and all members present, having voted in the affirmative, with the exception of Council Members Hamilton, Harris, and Ginn who voted no, and the Mayor who voted yes, the ordinance was adopted (5/3). Emergency clause adopted (7/0). *(applicant: Bear Davidson of Davidson Engineering)*

**PUBLIC COMMENT**

Mayor Hartwick announced the following upcoming events:

Burns Park Annual Easter Egg Hunt, Saturday, April 16, 2022

Ballet Arkansas Live on the Plaza – April 29 – May 1, 2022

Central Arkansas Heart Walk – April 30, 2022

Great North Little Rock Cleanup – Saturday, May 7, 2022 and

Becky Witcher Memorial Gold Scramble benefiting the Wildcat Foundation – May 14, 2022.

Council Member Harris said Hoggs Meat Market held a ribbon cutting at their new location.

There being no further business to come before the Council, and on the motion of Council Member Baxter and seconded by Council Member Ross, and by consent of all members present, the meeting was adjourned at 6:59 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, April 25, 2022, 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