

May 23, 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, May 23, 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.

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 absent. Chief Deputy City Clerk/Treasurer Katelyn Thomas and Assistant City Attorney Elaine Lee were also present.

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

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, May 9, 2022, were approved, accepted and filed as prepared by the City Clerk, Diane Whitbey (7/0).

On the motion of Council Member Baxter 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: restaurant mixed drink maximum permit – NEW, for Blackberry Market, 315 A Main Street, by Whitney Loibner.

On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, communication #2 was read by title only, accepted and filed (7/0).

2. Letter from Chris Shalby, International Institute of Municipal Clerks Executive Director letter re: Presentation of 2022 IIMC Quill Award to North Little Rock City Clerk Diane Whitbey.

PRESENTATIONS

Mayor Hartwick invited Ms. Tameka Keener to come forward. Ms. Keener advised she is a LUPUS survivor. She said she has survived kidney failure, a hip replacement, blood clots on her lungs, depression, and anxiety. LUPUS is an autoimmune disease that attacks the body. Ninety percent of women have LUPUS. A majority of those are African American, Asian American and Hispanic. Ms.

Keener created an organization called Purple Butterfly – a LUPUS Awareness Organization. May is also LUPUS Awareness Month. Mayor Hartwick then presented a proclamation to Ms. Keener.

UNFINISHED BUSINESS

None.

CONSENT AGENDA

On the motion of Council Member Baxter and seconded by Council Member Harris, and by voice vote, consent agenda items R-22-94, R-22-96, and R-22-97 were adopted (7/0). R-22-95 and R-22-98 were pulled and called under new business.

R-22-94 (RESOLUTION NO. 10278 - MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (7/0).

R-22-96 (RESOLUTION NO. 10280 – MAYOR HARTWICK)

A RESOLUTION AMENDING THE 2022 BUDGET FOR THE CITY OF NORTH LITTLE ROCK TO INCLUDE ADDITIONAL REVENUES AND EXPENSES IN CERTAIN BUDGETS; AND FOR OTHER PURPOSES, was adopted (7/0). (*General, Street and Parks funds*)

R-22-97 (RESOLUTION NO. 10281 – MAYOR HARTWICK)

A RESOLUTION AMENDING THE 2022 BUDGET FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT TO REAUTHORIZE AND INCLUDE EXPENDITURES FOR SPECIFIED DEPARTMENTAL BUDGETS; AND FOR OTHER PURPOSES, was adopted (7/0).

NEW BUSINESS

R-22-95 (RESOLUTION NO. 10279 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MASTER SERVICES AGREEMENT WITH EXISOR LLC FOR WEB DESIGN SERVICES; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Hamilton and seconded by Council Member Harris. Council Member Ross asked for more information. IT Director John Barber said annual maintenance is included in the initial agreement. The city has the option to renew next year. The website will be hosted through an outside party but the city will own the data etc. Council Member Ross asked about the ability to search within the site. Mr. Barber said there will be options which are not available with the current website. Word Press will be the main frame. Mr. Barber said the new site will be “user friendly”. Mayor Hartwick commended both Mr. Barber and Communications Director Shara Brazear for their work on this project. On the previous motion, and by consent of all members present, the resolution was adopted (7/0).

R-22-98

A RESOLUTION AMENDING THE 2022 BUDGET FOR THE CITY OF NORTH LITTLE ROCK TO INCLUDE ADDITIONAL EXPENSES IN CERTAIN BUDGETS; AND FOR OTHER PURPOSES, was withdrawn by the sponsor, Mayor Hartwick. (*General Fund*)

Mayor Hartwick convened a public hearing on the following: R-22-99 – 617 Mills Street, R-22-100 – 2512 Highway 161, R-22-101 – 606 Gardenia Avenue, R-22-102 – 1322 East Washington Avenue, R-22-103 – 803 West 24th Street, R-22-104 – 214 South Laurel Street. Note: R-22-105 – 1414 Division Street was withdrawn. There being no one present wishing to be heard, the public hearing was adjourned.

R-22-99 (RESOLUTION NO. 10282 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 617 MILLS 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 Ross and seconded by Council Member Robinson, and by consent of all members present the resolution was adopted (7/0). (*owner: Grace Realty LLC c/o George Ikard*)

R-22-100 (RESOLUTION NO. 10283 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2512 HIGHWAY 161 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 adopted (7/0). (*owners: Anjum Athar, Samina Kousar, Ussama Athar*)

R-22-101 (RESOLUTION NO. 10284 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 606 GARDENIA AVENUE 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 Robinson and seconded by Council Member Ginn, and by consent of all members present, the resolution was adopted (7/0). (*owner: St. Johns Rehab and Rentals*)

R-22-102 (RESOLUTION NO. 10285 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1322 EAST WASHINGTON AVENUE) 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 Robinson, and by consent of all members present, the resolution was adopted (7/0). (*owner: William W. Morgan, Jr.*)

R-22-103 (RESOLUTION NO. 10286 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 803 WEST 24TH 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 Ross and seconded by Council Member Baxter, and by consent of all members present, the resolution was adopted (7/0). (*owner: Juan Alfaro*)

R-22-104 (RESOLUTION NO. 10287 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 214 SOUTH LAUREL 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 Baxter and seconded by Council Member Harris, and by consent of all members present the resolution was adopted (7/0). (*owners: Tigran Hovsepyan and Rebecca Heber*)

R-22-105

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1414 DIVISION 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 withdrawn by the sponsor, Mayor Hartwick. (*owner: CBC Real Estate Holdings LLC a/o Christopher Carpenter*)

O-22-38

AN ORDINANCE WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO 4MOST SPORTS, A SOLE SOURCE VENDOR, FOR THE FIELD IMPROVEMENTS AT DICKEY STEPHENS PARK; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Mayor Hartwick. Mayor Davis asked Chief

of Staff Mike Davis to come forward. Chief Davis said the city has been working on issues at Dickey Stephens Ball Park with regard to dirt, irrigation, etc. This includes work outside the area. Mayor Hartwick said the city is involved in drainage work at the facility. This vendor supplies sod. Mayor Hartwick said there are usually 40 to 50 ball fields trying to purchase sod at the same time. Chief Davis said all Major League teams are required to be in compliance by 2025 with their fields. Seed would be planted this summer, grown and brought in and set in place. \$700,000.00 would include the sod and required field work (dirt removal, irrigation, etc.). This does not include flooding. Work would not be done until the season is over. All improvements must go through Major League Baseball for approval going forward. This would pay for the repair work following drainage repairs. Chief Davis said sink hole issues will be addressed outside the park. Mayor Hartwick referenced other improvements to the facilities which are under discussion with the team representatives, Russ Meeks and Rusty Meeks, Jr. Council Member Hamilton said improvements to the facility are not the council's responsibility. Council Member Ross said there is no guarantee the ball team (Travelers) will stay after improvements are completed. Mayor Hartwick said there are a lot of rumors out there. Mayor Hartwick said the city needs to focus on the existing contract. Council Member Hamilton has had conversations with the Travelers and was involved when Mayor Smith was involved with the project. He would like to know the financial ability of the team to do the required improvements and if the team is able cover the cost, they should. If they are not able to, then they could ask the city for assistance. At this time, the city does not know their financial status. Mayor Hartwick has asked the Travelers if they want to consider a new contract. He has also proposed an increase to ticket prices to assist the team. *(not to exceed \$700,000.00)*

O-22-39 (ORDINANCE NO. 9459 – COUNCIL MEMBERS ROSS AND ROBINSON)
AN ORDINANCE AMENDING ARTICLE 7 OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO ADOPT A PROCESS FOR PAYMENT OF FEES IN LIEU OF PLANTING TREES;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (7/0). Mr. Orlando Martinez said the ordinance doesn't include details. He referenced his property and an adjacent property that was supposed to be a school. He provided several illustrations of what the property would look like with no trees. He referenced the zoning at the time he purchased his home. His concern is provisions in the existing ordinance that may no longer exist with approval of the new ordinance. Planning Director Shawn Spencer was not aware of any changes to the Subdivision Ordinance with regard to screening requirements. Council Member Ross said this ordinance pertains to planting trees, not removal of trees. Mr. Martinez said the site plan he referenced changed the tree line. His concern is regarding buffers. Mr. Spencer said nothing has changed. 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, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

Note: Council Member Hamilton left the council chambers at 6:36 p.m. and did not return.

O-22-40 (ORDINANCE NO. 9460 – COUNCIL MEMBERS ROSS AND ROBINSON)
AN ORDINANCE AMENDING ARTICLE 9 OF THE SUBDIVISION ORDINANCE
(ORDINANCE NO. 7946) TO ADOPT A PROCESS FOR PAYMENT OF FEES IN LIEU OF
SIDEWALK CONSTRUCTION; DECLARING AN EMERGENCY; AND FOR OTHER
PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council of Member Ross, and by consent of all members present, the readings were suspended (6/0). Council Member Ross said people have made requests to waive trees and sidewalks. This ordinance includes conditions. Funds collected will remain within the ward where collected. Funds could be used to build future sidewalks. On the motion of Council Member Ross and seconded by Council Member Ginn, and all members present having voted in the affirmative, the ordinance was unanimously adopted (6/0). Emergency clause unanimously adopted (6/0).

O-22-41 (Note: item called, vote taken then expunged)
AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN ELECTRIC FENCE IN
AN I2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2901 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 Robinson, and by consent of all members present the readings were suspended. Council Member Robinson asked why the applicant needs an electric fence. Mr. Dan Hudson, JB Hunt Transport and Mr. Michael Pate with Amarok asked for a variance for the JB Hunt Transportation Terminal where they usually park between 20 and 50 trucks each night. There have been over 41 burglaries in the area in the past 6 months. Over the past couple of years there have had multiple emergency medical calls, alarm calls, fence cuts, etc. The intent is to retain the current exterior fence and place an electric fence within the perimeter of that fence. On the motion of Council Member Ross and seconded by Council Member Robinson, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0). (*applicant: Amarok LLC*) *Note: this agenda item was recalled and previous votes were expunged. See below for updated record.*

On the motion of Council Member Baxter and seconded by Council Member Ross, and the roll having been called, and all members present having voted in the affirmative, the previous votes on the Ordinance were expunged (6/0). Emergency clause expunged (6/0).

O-22-41 (**ORDINANCE NO. 9462 – COUNCIL MEMBER ROSS)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN ELECTRIC FENCE IN AN I2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2901 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 Baxter, and by consent of all members present, the readings were suspended (6/0). On the motion of Council Member Ross and seconded by Council Member Baxter, and all members present having voted in the affirmative, the ordinance was amended as follows:: *add*: ELECTRIC FENCES SHALL BE PERMITTED ON ALL FOUR SIDES OF INDUSTRIAL ZONED PROPERTIES WITH AREAS OF OUTDOOR STORAGE OR DISPLAY (6/0). On the motion of Council Member Ross and seconded by Council Member Baxter, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0). (*applicant: Amarok LLC*)

O-22-42 (**ORDINANCE NO. 9461 – COUNCIL MEMBERS BAXTER AND HARRIS)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN ELECTRIC FENCE IN AN I2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 8950 COMMERCE COVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Harris and seconded by Council Member Baxter, and by consent of all members present, the readings were suspended (6/0). Mr. Michael Pate with Amarok said he was present to answer any questions about how the product worked. He also asked for clarification on whether the front portion of the property was included for fencing within the Ordinance. The Ordinance states fencing to be around three sides of the property and the company needs all four sides. Mr. Pate said all four sides of fencing needs to be included in the Ordinance and the previous Ordinance (O-22- 41) that had been adopted at the Council Meeting. Mayor Hartwick asked Assistant City Attorney Lee if the council could make an amendment on the previous Ordinance. Ms. Lee advised the council would need to expunge the previous votes and vote to make an amendment afterwards. On the motion of Council Member Baxter and seconded by Council Member Harris, and by consent of all members present, the ordinance was amended as follows:: *add*: ELECTRIC FENCES SHALL BE PERMITTED ON ALL FOUR SIDES OF INDUSTRIAL ZONED PROPERTIES WITH AREAS OF OUTDOOR STORAGE OR DISPLAY (6/0). Council Member Ross asked for clarification in regards to where the fence would be located on the property. Mr. Pate said it would be within four to eight inches within the existing fence line including the gates. Council Member Baxter advised that google maps would not always show current data on their website. Shawn Spencer, Planning Director, advised the shadows shown on the map would be the indication of where the fence line currently is. Council Member Ross asked why all four sides of the electric fence was not included in the wording on the original draft of the Ordinance. Mr. Spencer advised the Planning Commission was unable to approve that request. They could not approve a fence in the front of a property. The City Council would have the authority to approve that request. Council Member Ross pointed out that the map attached to the Ordinance included all four sides for the electric fence.

Council Member Baxter said it was verbiage versus the picture. On the previous motion, and the roll having been called, and by consent of all members present, the amendment was made. On the motion of Council Member Baxter and seconded by Council Member Ross, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0). (*applicant: Amarok LLC*)

O-22-43

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 1710 WEST 18TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R3 TO R4 ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held. (*applicant: TCB Investments LLC*)

O-22-44 (ORDINANCE NO. 9463 – COUNCIL MEMBERS HAMILTON AND ROSS)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A BUS SHELTER WITH AN ELECTRONIC CHANGEABLE SIGN IN A C1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2620 WILLOW 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 Baxter, and by consent of all members present, the readings were suspended (6/0). Council Member Ginn asked what the business planned to advertise on the changeable sign. Ms. Heather Davis, AMR Architects, worked with the applicants on behalf of Rock Region Metro. Ms. Davis said there is a sign panel that is perpendicular to the street. It is planned to have an electronic changeable sign on either side which could be viewed by oncoming traffic. The sign would be fully digital and could be controlled remotely meaning turned off, dimmed, or any type of advertisement added from the location. Ms. Davis said the sign would show the real-time bus schedule for the route and other advertisements (she referenced signage at other shelters). Council Member Baxter asked if the sign could have full motion video. Council Member Ross said it falls into the same requirements within the overlay district Ordinance and is limited to fifteen seconds. She said it is also considered a “super bus station”. She also referenced a clause within the Ordinance that trash will be monitored and calls would be made if there is a problem. Mayor Hartwick asked about the outdoor bench and the seating design. Council Member Baxter asked how many people can sit side by side on the bench. Mayor Hartwick had received concerns about individuals sleeping on the bench. Ms. Davis said the benches have dividers every eighteen inches. Mayor Hartwick asked if there was a similar bus location in the area the city could view. Ms. Davis said no, they are simultaneously building one in Little Rock. Council Member Ross said she took the information to Military Heights and received positive feedback from the residents. On the motion of Council Member Ross and seconded by Council Member Baxter, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (6/0). Emergency clause adopted (6/0). (*applicant: Brad Peterson of Crafton Tull & Associates*)

PUBLIC COMMENT

Council Member Ross advised Mr. James (Jim) Ard had moved to Batesville, Arkansas. If anyone would like his address she will provide it at their request. She said he is enjoying his new location. Chief Deputy City Clerk Thomas, thanked several individuals for their assistance with the 76th Annual International Institute of Municipal Clerks Conference which is underway at the Statehouse Convention Center in Little Rock, Arkansas. The City Clerks from Little Rock and North Little Rock are cohosting the conference which included 600 delegates (total of nearly 800 attendees) from across the United States and 11 countries. Those mentioned for their service by name are as follows: Mayor Hartwick, LaKaisha Shelby, Fit 2 Live, Officer Jhailan Rathey – Unsheltered Program, Officer Shelby Hunter – Police Athletic League, North Little Rock Police Department and North Little Rock Parks and Recreation. Communication Director Shara Brazear and DEI Coordinator Dr. Arnessa Bennett also provided assistance. Council Members Ross and Baxter volunteered Monday as well. Mayor Hartwick said the North Little Rock Honor Guard was exceptional at the conference. He also said North Little Rock Police Officer Shana “Shay” Cobbs performed the National Anthem and was wonderful.

Mayor Hartwick referenced the following upcoming events:

May 29 – Pulaski County Fair – North Shore Park.

Boots & Badges Blood Drive - June 17, 2022 – 8 a.m. to 5 p.m. - North Little Rock Justice Center, #1 Justice Center Drive.

Garbage and Trash routes will run one-day delayed all week due to Memorial Day.

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. (6/0), until the next regularly scheduled meeting to be held on Monday, June 13, 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