

June 27, 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, June 27, 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 not present. City Clerk/Treasurer Diane Whitbey, Deputy City Clerk Jim Scott and Deputy City Attorney Elaine Lee were also present.

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

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, June 13, 2022, were approved, accepted and filed as prepared by the City Clerk, Diane Whitbey (7/0).

Council Member Taylor entered the Council Chambers at 6:01 p.m.

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

1. Petition requesting Restricted Parking District on one block of West 55<sup>th</sup> Street (*dated May 4, 2022, received via US Mail, May 17, 2022*). Note: item was submitted to City Attorney for review of form(s) used.

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

Mayor Hartwick announced a Special Call meeting.

2. Kenny Stephens, Traffic Department Director re: Speed Study Report completed on Shamrock Drive – no speed hump needed.

Council Member Baxter said (approaching and receding traffic) 85<sup>th</sup> Percentile Speed was 20 miles per hour.

Mayor Hartwick announced a Special Call.

June 24, 2022

Special Meeting of the North Little Rock City Council

Honorable Members of the North Little Rock City Council:

The purpose of this e-mail is to advise you that Mayor Hartwick has called a special meeting of the North Little Rock City Council at 6:00 p.m. on Monday, June 27, 2022, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

**O-22-57 – Waiving certain sections of the Zoning Ordinance (Ordinance No. 9263) for property located at 3700 Progress Street. Sponsored by Mayor Terry C. Hartwick for consideration only.**

Pursuant to North Little Rock Ordinance No. 9079, you are entitled to 72 hours' electronic notice of this meeting. Please acknowledge receipt of this e-mail as soon as possible by replying to the same. A copy of your reply will automatically be sent to City Clerk Diane Whitbey.

Respectfully,

Amy Beckman Fields  
City Attorney

**SPECIAL CALL**

O-22-57 (ORDINANCE NO. 9471 – MAYOR HARTWICK for consideration only)  
AN ORDINANCE WAIVING CERTAIN SECTIONS OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR PROPERTY LOCATED AT 3700 PROGRESS STREET, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. Mayor Hartwick asked Mr. DeWayne Morgan, Tyson Foods North Little Rock Plant Manager to come forward. Mr. Morgan said the plant has been in Rose City 54 years. He has been with the company 21 years. Mayor Hartwick said the company runs 18-hour shifts with 250 employees. 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 Taylor and seconded by Council Member Hamilton. Council Member Ross said this request did not go through Planning (Commission) of Review. It appears the request is to waive everything (Parking Lot Shading - shrubs, trees and Landscaping Strips). Mr. Morgan said the area is a gravel lot. They would like to

concrete the entire lot. This would not interfere with drainage. The do not want to plant trees as there is an ammonia system located to the east of a tree line (visible in illustrations and photos filed with legislation). The concern is a possible release a trees grow taller. City Engineer Chris Wilbourn visited the site earlier this date. He will be working with the applicant on permits, etc. This is a very flat area and drainage should not be an issue. The applicant will still be subject to conditions under Section 3 of this ordinance. Mayor Hartwick said the applicant will request a waiver for required trees and pay an in-lieu fee of approximately \$2,400.00. Mr. Shawn Spencer said items under Section 4 are not being waived. Council Member Ross asked about the visible row of trees and was advised they would remain. On the motion of Council Member Ross and seconded by Council Member Hamilton, and b consent of all members present, the ordinance was amended as follows:: *remove Section 1: Section 6.1.3 and Section 2: Section 7.2.1: Parking Lot Shading and renumber Sections as needed* (8/0). 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 as amended (8/0). Emergency clause unanimously adopted (8/0).

## **PRESENTATIONS**

*None.*

## **UNFINISHED BUSINESS**

O-22-43

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 1710 WEST 18<sup>TH</sup> 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 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). A motion to adopt was made by Council Member Taylor and seconded by Council Member Baxter. Ms. Whitbey asked if Council Member Taylor had read an email regarding the Business License for the applicant. After a brief discussion, the item was held by the sponsor, Council Member Taylor. (*applicant: TCB Investments LLC*)

O-22-52

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN AUTO SALES LOT IN A C4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1815 EAST BROADWAY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMEGENCY; 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). Mr. Spencer advised the applicant ask that the item be postponed until July 25, 2022. The item was then held by the sponsor, Council Member Taylor. (*Brooks Autoplex*)

O-22-53 (ORDINANCE NO. 9472 – COUNCIL MEMBER TAYLOR)  
AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN AUTO SALES LOT IN A C4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1723 EAST BROADWAY 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). 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: Amilcar and Mirian Guzman*)

### CONSENT AGENDA

On the motion of Council Member Ross and seconded by Council Member Hamilton, and by voice vote, consent agenda items R-22-118, R-22-119, R-22-120, R-22-121, R-22-122, R-22-123, R-22-124 and R-22-125 were adopted (8/0).

Council Member Hight said Renee Pierce and Virginia Marlin are included in the list for appointment to the Planning Commission. Mayor Hartwick said Mike Ross was included for reappointment to the Civil Service Commission and Vertina Banks is being appointed to the Senior Citizens Commission.

R-22-118 (RESOLUTION NO. 10300 – MAYOR HARTWICK)  
A RESOLUTION REAPPOINTING MIKE ROSS TO THE NORTH LITTLE ROCK CIVIL SERVICE COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-22-119 (RESOLUTION NO. 10301 – MAYOR HARTWICK)  
A RESOLUTION APPOINTING VERTINA BANKS TO THE SENIOR CITIZENS COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-22-120 (RESOLUTION NO. 10302 – MAYOR HARTWICK)  
A RESOLUTION APPOINTING RENEE PIERCE TO THE NORTH LITTLE ROCK PLANNING COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0).

R-22-121 (RESOLUTION NO. 10303 – MAYOR HARTWICK)  
A RESOLUTION APPOINTING VIRGINIA MARLIN TO THE LAKEWOOD RECREATIONAL AREA IMPROVEMENT DISTRICT NO. 4 BOARD OF ASSESSMENT; AND FOR OTHER PURPOSES, was adopted (8/0).

R-22-122 (RESOLUTION NO. 10304 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted (8/0).

R-22-123 (RESOLUTION NO. 10305 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO AN EXCLUSIVE LISTING CONTRACT WITH COLLIERS ARKANSAS, INC. TO SELL APPROXIMATELY 0.96 ACRES OF PUBLIC LAND LOCATED ON 615 WEST 29<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was adopted (8/0). (*list price \$459,000.00*)

R-22-124 (RESOLUTION NO. 10306 – MAYOR HARTWICK)

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 adopted (8/0). (*General Fund - \$126,720.00, Street Fund - \$12,000.00, Parks Fund - \$18,960.00, Information Technology Fund - \$5,280.00*)

R-22-125 (RESOLUTION NO. 10307 – MAYOR HARTWICK)

A RESOLUTION AMENDING THE 2022 BUDGET FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT INCLUDE ADDITIONAL EXPENSES FOR SPECIFIED DEPARTMENT BUDGETS; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$26,400.00*)

### **NEW BUSINESS**

Mayor Hartwick convened a public hearing on the following items:

R-22-126 – 5818 Crystal Hill Road, R-22-127 – 4316 Burkes Avenue, and R-22-128 – 1101 Cache River Road. Ms. Melissa Johnson and her contractor Mr. Spivey were present. Mr. Spivey said he just got the paperwork signed three (3) weeks ago to begin construction. The house is posted no construction at this time. He has provided an estimate to be presented to the insurance company. Mrs. Felicia McHenry, Code Enforcement Director said there was a fire at the location in November, 2021. Their department has been trying to contact Ms. Johnson since that time. An initial inspection was done in November. A follow-up inspection was a few weeks ago. The property is in the same condition as illustrated in photos provided to council members. Mrs. McHenry said Code Enforcement has received numerous complaints on this location. Some were prior to the fire. Citations have been issued in the past. Mrs. McHenry said she was advised by Ms. Johnson previously that she had a Restoration Company to work on the property. However, a signed contract was never provided. A few weeks ago Ms. Johnson advised the city she had another Restoration Company to work on the property. Council Member Hight said several of the neighbors from Cache River were also present. Council Member Ginn asked if Code Enforcement had inspected the swimming pool. Ms. Johnson said she is trying to get it repaired and it has a cover on it. Council Member Ginn said the pool issue goes back three (3) years. Council Member Hight referenced the fire (November, 2021) and advised

there was an explosion in the house a few years ago. There has also been a death in the swimming pool. The house has been a nuisance for many years. Damaged inoperable vehicles have also been parked on the street. Ms. Somer Clark-Day is the Overbrook Property Manager. She said over the past decade there have been dozens of complaints about 1101 Cache River Road. The swimming pool has been untouched for several years and is a cesspool for mosquitos and disease. It would benefit the community if Ms. Williams were able to repair the home. Unfortunately, there has been very little communication. No permits have been pulled. Ms. Clark-Day referenced six (6) neighborhood residents who were present with concerns. The lawn hasn't been mowed, shutters are hanging loose, and the fence is in disrepair. There being no one else wishing to be heard, Mayor Hartwick adjourned the public hearing. Council Member Ross said if the property is condemned, the property owner can still enter into a Rehabilitation Agreement with the City Attorney. Deputy City Attorney Lee said the property owner has the opportunity to enter into a Rehabilitation Agreement which would require funds to be put in an escrow account in an amount sufficient to demolish the house if the repairs are not made within an allowed period of time (included in the agreement). Council Member Hamilton said this gives the homeowner another opportunity, but also requires funds to proceed. Council Member Ross asked how long the owner has to contact and enter into an agreement with the City Attorney. Ms. Lee said it is 30 days. Council Member asked if the other residents (on Cache River) and Ms. Johnson understand where this stands at this time. All nodded that they did.

R-22-126 (RESOLUTION NO. 10308 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 5818 CYRSTAL HILL ROAD 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 Baxter, and by consent of all members present, the resolution was unanimously adopted (8/0).  
(owner: Harrell Tolbert)

R-22-127 (RESOLUTION NO. 10309 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4316 BURKES 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 Taylor and seconded by Council Member Ross, and by consent of all members present, the resolution was unanimously adopted (8/0).  
(owner: Robert D. Smeby)

R-22-128 (RESOLUTION NO. 10310 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1101 CACHE RIVER ROAD 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 Ross, and by consent of all members present, the resolution was unanimously adopted (8/0). (owners: Sherice, Michael and Antonio Williams) Mayor Hartwick reminded Ms. Johnson she has 30 days to contact the City Attorney and enter into a Rehabilitation Agreement. Ms. Lee said Attorney Rick Hogan will be the attorney she needs to speak with.

R-22-129 (RESOLUTION NO. 10310 – 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 904 NORTH F STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Hight and seconded by Council Member Taylor. 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, the resolution was unanimously adopted (8/0). (amount - \$5,024.37)

R-22-130 (RESOLUTION NO. 10311 – 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 read. A motion to adopt was made by Council Member Ross and seconded by Council Member Taylor. 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, the resolution was unanimously adopted (8/0).

## ORDINANCES

O-22-54 (ORDINANCE NO. 9474 – MAYOR HARTWICK)

AN ORDINANCE AMENDING SECTION 1.1.1 OF THE NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 4, BUILDING AND BUILDING REGULATIONS; DECARLING 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). A motion to adopt was made by Council Member Taylor and seconded by Council Member Hamilton. Council Member Ross asked if there was still an Arkansas Mechanical Code. Mr. Spencer said the wording for the Code is now nationwide. The Planning Department will see how this works and may have some adjustments in the next few months. Mr. Spencer said for the next 30 days, all applicants for permits will be advised a new code is being adopted. The new code will not be enforced during that time. They will also notify customers through email. Planning will also notify the State Licensing Board of the change. Council Member Ross asked if the notification

period needed to be extended. Mr. Spencer said it did not. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, the ordinance was unanimously adopted (8/0). The emergency clause was not called. (note: *per City Attorney Amy Beckman Fields, the ordinance will go into effect 60 days after passage. (re: 2021 International Mechanical Code)*)

O-22-55 (ORDINANCE NO. 9474 – MAYOR HARTWICK)

AN ORDINANCE VACATING AND ABANDONING AN UNUSED RIGHT OF WAY LOCATED WITHIN CERTAIN REAL PROPERTY DONATED FROM THE CITY OF NORTH LITTLE ROCK TO THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE INTERSTATE 30 AND INTERSTATE 40 WIDENING AND RECONSTRUCTION PROJECT; 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). 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). (*requested by: Blew & Associates, P.A. on behalf of Quattlebaum, Grooms, & Tull PLLC*)

O-22-56 (ORDINANCE NO. 9475 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 9401 DIAMOND DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM I1 TO I2 ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; 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 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: Bradford Gains – Colliers*)

### **PUBLIC COMMENT**

Mr. Jesse “Rocky” McDaniel spoke about Rock Region Metro bus service to residents to the east end of North Little Rock. The Board is proposing reducing buses in the area and replacing them with a “Connect Service” where a rider would call and a van would pick them up and take them to a bus stop where buses are running. The rider would then catch the bus to ride to their destination. They would have to do they would have to do the same thing to return home. The reason mentioned was low ridership in the area. Mr. McDaniel said this is a bad idea. A lot of people don’t have a phone or internet connection to be able to use the “Connect” method. Rock Region Metro has indicated they have issues accessing funds because they are unable to get local “matching” funds from local cities. Mr. McDaniel asked that the city look into this and consider additional funding. He said due to higher fuel prices more people are using public transit. The goal is to help people get back to work, but they need help to get there. Mr. McDaniel said Rock Region Metro is basing their information on a study



from 2019. Mr. Brian Lambert is a member of the Arkansas Bow Hunters Association. He said due to the number of vehicle accidents caused by deer, there are numerous cities around the state that allow members to hunt Whitetail Deer. He would asked if the city could meet with their Vice President and Game Warden Ralph Meeker to discuss the possibility of Urban Deer Management. Mayor Hartwick said the city used to allow North Little Rock Police Officers to hunt in Burns Park. North Little Rock Police Chief Patrick Thessing said they do at White Oak only. Mayor Hartwick asked that they write him a letter with their request and he will refer it to the City Attorney. Mr. Lambert said there have been 18 deer/vehicle accidents in the city. Nationwide (2012/2013) insurance agencies paid over \$75 million in damaged vehicle claims. Council Member Taylor asked if language regarding the process (following a condemnation) to enter into a Rehabilitation Agreement be included with legislation. Council Member Baxter said Interstate access from Curtis Sykes is being closed. Mayor Hartwick said City Offices will be closed Monday, July 4, 2022, in observance of the July 4<sup>th</sup> Holiday. Garbage, trash and recycling routes will run one-day delayed all week (i.e. Monday's pickup with be Tuesday and so on). Council Member Ross reminded everyone Fireworks are prohibited (within the North Little Rock) city limits. Mayor Hartwick announced the 38<sup>th</sup> Annual Pops on the Fireworks will be at 9:30 p.m. Monday, July 4, 2022. There are opportunities to watch the Fireworks at the Arkansas Inland Maritime Museum.

There being no further business to come before the Council, and on the motion of Council Member Ross and seconded by Council Member Hamilton, 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, July 11, 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