

July 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, July 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.

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 Beckman Fields were also present.

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

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 27, 2022, were approved, accepted and filed as prepared by the City Clerk, Diane Whitbey (8/0).

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

1. Ember Strange, Chief Financial Officer/Chair Energy Risk Management Committee, Power Cost Adjustment (PCA) for July 2022 (.0041/kwh – positive).

## **PRESENTATIONS**

Mayor Hartwick invited Rock Region Metro – Chief Executive Officer Justin Avery to come forward. Mr. Avery proceeded with a PowerPoint Presentation – *Metro NLR Service Update*. Mr. Avery introduced Board Chair Nicole Hart, Board Member Erin Parker, Chief Safety Officer and Director of Major Projects Joe Procop, and Director of Public Engagement Becca Green who were also present. Mr. Chris Kent, Executive Director Argenta Downtown Council was also present in support of Parklets. Rock Region Metro's Mission Statement is to provide safe, reliable, convenient and cost-effective transit service. Mr. Avery provided an update on a proposed Parklet Project in partnership with Rock Region Metro, AMR Architects, the City of North Little Rock and Argenta Downtown Council. (A Parklet is a sidewalk extension which includes public seating platforms that convert

curbside parking spaces into community spaces.) The small transit-oriented development project would improve streetcar safety in the Argenta area. Rock Region Metro as a partner has the ability to use Federal Transit Administration Grant Funds and partner with cities that tie into public transit. The grant is an 80/20 matching grant (meaning the city's portion would be 20%). Illustrations were shown which included the east and west sides of Main Street between Broadway and 5<sup>th</sup> Street. Total project cost would be \$213,436.00. The city's portion would be \$35,000.00 (16%). The Argenta District's portion would be \$7,688.00 (4%). Construction could start in late August/early September. Mr. Avery then presented R.I.D.E. (Route Innovation, Development and Evaluation) 2020: Project Overview which reimagined the fixed route network. Data-driven evaluation of existing service and performance was used to develop creative, effective and achievable recommendations. Costs to the cities or county are only paid by that city or the county. Rock Region is in communication with additional cities (Jacksonville, Sherwood and Conway) as potential transit partners. 'Cost-Neutral' modifies existing operating resources, streamlines and realigns many routes in the network based on established funding principles and tradeoffs. Replaces low-performing services with more cost-effective alternative. Three (3) expanded and new North Little Rock Microtransit Zones were launched June 20, 2022. This included expanded and enhanced service to residents of North Little Rock. Microtransit is a technology-driven demand-responsive service which uses an interface familiar to those who use Uber/Lyft apps (phone reservations would also be possible). Telephone reservations would also be possible. A dedicated fleet of vehicles would run in three (3) North Little Rock Microtransit zones: Shorter College – Dixie (expanded); McAlmont (new); and Levy-Amboy (new). Maps of each zone were distributed to council members. Riders could use the service to reach any point within the zone or ride to a "point of interest" outside the zone which would allow connections to the fixed route system. Ms. Becca Green provided a Public Engagement Recap. Some of the Plan Input Data was collected pre-Pandemic. In 2019, Customer Satisfaction and Origin-Destination Surveys were conducted. These included a survey team which asked riders their point of origin and destination. A series of Community Outreach (public) meetings were held in 2020. Plan delays included emergency implementation of temporary Microtransit Zones, service changes, multiple COVID-19 variant waves, a tight labor market, etc. Adjustments continue to be made. Brochures have been distributed in various public buildings around the city. Council Member Robinson said Microtransit has been in place for two (2) years in the Dark Hollow and Sherman Park area. She asked Mr. Avery if the program had been successful. Council Member Robinson said public transportation as we know it has changed. People who use the service have not been satisfied. In 2020 and 2021, the City of North Little Rock gave Rock Region Metro \$4.9 million. She added she supports public transportation and used it for many years. She asked for a (financial) report (from Rock Region Metro) to be filed with the City Council by July, 2023 (this would be similar to reports provided by other entities the city provides funds to). Mayor Hartwick said the city will begin working on the proposed 2023 budget and asked for a current report. Mr. Avery said he could provide a year-to-date report on the Shorter College (Dark Hollow/Sherman Park) zone. Mayor Hartwick asked what bus he would take to get from his childhood home on Mills Street to the North Little Rock High School (Main Street). Mr. Avery said he would have to walk a few blocks to catch the bus on Route 18 (McAlmont Route).

Council Member Ross said McAlmont is not in North Little Rock. She asked how the funding is divided. Mr. Avery said the city only pays for its vehicle revenue miles (within the city). Council Member Ross asked if there would be a new rider update since the previous numbers were during the Pandemic. Mr. Avery said they annually review performance and customer needs. Council Member Ross referenced a rider who had concerns about taking a Microtransit vehicle to the Transfer Center. Mr. Avery said transfers are a part of public transit. Council Member Taylor referenced the previous route Mayor Hartwick referenced from Mills Street and asked how long a rider would have to walk to catch a bus and ride/transfer to reach the High School. Mr. Avery said about an hour (not including walk). Council Member Ginn asked if there was a cost difference in a fixed route and the metro connect service. Mr. Avery said it is \$1.35, a transfer is \$.05. Council Member Ginn asked about electric buses. Mr. Avery said they received a grant which will be used to purchase the region's first electric battery vehicles (in 2023). Council Member Hamilton said running fixed routes and on demand service cost money. Transfers are a fact of life in any city that has public transportation. He recently acquired a bus pass and rode the bus from near his house to his office. He then walked to the transfer station and rode the bus to Dark Hollow where he visited with a constituent. He called and used the on demand service to get a ride back to the City Services stop. The fee for on demand service is one of the most efficient uses of the transportation. He referenced subway transfers in New York City which might require five (5) transfers to reach a destination. He commended Rock Region Metro for their efforts. Mayor Hartwick asked Mr. Avery to attend the City Council Meeting August 22, 2022, to provide an update and answer questions. The meeting will begin at 5:30 p.m. Mr. Rocky McDaniel said he called to schedule a bus recently. He was on hold until the line was disconnected. He called back and held another 20 minutes before he was disconnected. The next time the phone was picked up and laid down. Mr. McDaniel said he called the Rock Region Metro office and spoke to a supervisor who met with him and called the number to schedule a pickup from Mr. McDaniel's phone. The person hung up again. Mr. McDaniel asked that a report be filed. He said he rode the bus early today which broke down. He got on a second bus that was nasty and when he asked the driver about it and was advised workers aren't showing up. He asked other riders if they had cell phones. Microtransit cannot be scheduled without a cell phone or some type of computer. Many families only have one phone they have to share. Mayor Hartwick asked Mr. McDaniel to submit any other questions to be asked at the meeting August 22.

### **UNFINISHED BUSINESS**

O-22-43 (ORDINANCE NO. 9476 – COUNCIL MEMBER TAYLOR)

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 June 27, 2022 and the readings were suspended. On the motion of Council Member Taylor and seconded by Council Member Robinson, and the roll having been called,

the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).  
(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 EMERGENCY; AND FOR OTHER PURPOSES, was read June 27, 2022 and the readings were suspended. The item was called and withdrawn from the agenda at the request of Planning Director Shawn Spencer. The item will go back before the Planning Commission July 12, 2022. (Brooks Autoplex)

### CONSENT AGENDA

*None filed.*

### NEW BUSINESS

R-22-131 (RESOLUTION NO. 10313 – MAYOR HARTWICK)

A RESOLUTION DETERMINING AND ESTABLISHING THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT’S 2022 AVOIDED COST OF SOLAR POWER; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hamilton and seconded by Council Member Ross, the resolution was unanimously adopted (8/0).

Mayor Hartwick asked Mr. Eric Heinrichs to come forward. Mr. Heinrichs is serving as Interim Director of the North Little Rock Electric Department.

R-22-132 (RESOLUTION NO. 10314 – MAYOR HARTWICK)

A RESOLUTION APPROVING THE DESTRUCTION OF CERTAIN RECORDS OF THE NORTH LITTLE ROCK DISTRICT COURT; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Robinson and seconded by Council Member Ross. Council Member Hight said he did not recall previously seeing legislation approving destruction of court records. Chief Financial Officer Ember Strange said there are state laws (Statutes) that authorize disposition of certain records after a set number of years. Many require City Council approval. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-22-133

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A REAL ESTATE CONTRACT TO SELL CERTAIN REAL PROPERTY LOCATED AT 200 EAST SECOND STREET (200 POPLAR STREET) IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO ARGENTA ENTERTAINMENT DEVELOPMENT MANAGEMENT LLC; AND FOR OTHER PURPOSES was read. A motion to adopt was made by Council Member Baxter and seconded by Council Member Hamilton. On the motion of Council Member Ross and seconded by

Council Member Hamilton, and by consent of all members present, with the exception of Council Member Hight, who voted no, the resolution was amended as follows: *substitute Exhibit A provided this date (7/1)*. A motion to adopt was made by Council Member Ross and seconded by Council Member Hamilton. Council Member Hamilton asked what the property would be used for. Mr. Greg Nabholz, CEO Nabholz Properties and Mr. Scott Hilburn, Attorney with Hilburn Harper Law Firm represent the purchaser – Argenta Entertainment Development Management LLC. The property is located between Simmons Bank Arena and the North Little Rock City Services Building. Mr. Nabholz said they were in a previous partnership with Broadway Street LLC for several years and own property to the north. In April, they bought out the majority partner for all properties owned by the New Argenta Fund. This has allowed them to move forward with plans for development. Initial plans for this location include buildings that would line up along the 2<sup>nd</sup> Street promenade, next to Simmons Bank Arena. The idea for the development would be mixed use which could include restaurant and entertainment on the ground level with the potential for a hotel and/or residential above. Mr. Nabholz said they are looking at three (3) to six (6) stories. City Attorney Fields said there are height restrictions to consider. She added the Exhibit attached to the legislation includes a broad development plan. Mr. Nabholz also referenced the City Services Building site and another on Broadway. A plan would have to come back to the City Council for approval by January 10 (2023). Construction is scheduled to begin by July, 2023. Within two (2) years of closing, or February, 2025, if Phase I isn't substantially completed the city would have the option to purchase the property at the list price plus any improvements. They are in the process of getting concept plans, etc. City Attorney Fields said the contract requires the city to hold the property. Council Member Hamilton commended Mr. Nabholz and Mr. Hilburn for investing in North Little Rock. He did express concern about the adjacent property that has been vacant for at least a decade. Mr. Nabholz said the previous partnership majority owners did not want to do anything with their property. The new LLC which owns 100% wants to develop. Council Member Ross asked if there were developers ready to start. Mr. Nabholz said they have investors lined up (including their company) and have funds from other sales they would invest in this project. They would like to bring their plans and permits before the council before closing. Mr. Robert Birch, Economic Development Director said there are three (3) lots in the area for sale. The lot behind the Barber College (approximately .5 acre), the Greyhound Building (both listed at \$25.00 per square foot), and the lot being discussed, which is listed at \$20.00 per square foot. The price is right for the area. The Economic Development Department has had some interest in this location. If approved, this would be the first contract. This property was previously listed with Moses Tucker during the Pandemic but is not currently listed with a Realtor. Council Member Ross asked if the property could be assigned to a third party after the sale. City Attorney Fields said the contract includes that the buyer cannot sell the property for a period of two years, then only with seller's approval. Council Member Taylor said this is a premium piece of property, one block from the Arkansas River. Mayor Hartwick said if the property is sold it needs to be developed. Mr. Birch said previous offers were three (3) to five (5) years out on development plans. Mr. Hilburn said as developers they have to prelease and test the market to see what the conception would be. This project would bring something back quickly. Mr. Nabholz said they are already spending money on it.

Council Member Ross referenced Section 17 which indicated the seller will pay a 4% real estate commission or \$44,800.00 to Nabholz Properties, which is Greg Nabholz. Mr. Nabholz said the offer is a little higher than the price of the property so the commission would be absorbed in that. Council Member Taylor said City Attorney Fields is representing the city and Mr. Nabholz is representing the LLC he is a partner in. Mr. Nabholz said he and Mr. Hilburn are representing the partnership by making the offer. Mayor Hartwick then held the legislation. (*amount \$1,120,000.00*)

Mayor Hartwick convened a public hearing on the following items: R-22-134 – 1102 East 16<sup>th</sup> Street, R-22-135 – 5124 Alpha Street, and R-22-136 – 1724 Parker Street. There being no one present wishing to be heard, the public hearing was adjourned.

*Note: Council Member Hight left the council chambers.*

R-22-134 (RESOLUTION NO. 10315 – 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 1102 EAST 16<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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). (*\$5,620.09*)

R-22-135 (RESOLUTION NO. 10316 – 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 5124 ALPHA STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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). (*\$4,243.28*)

R-22-136 (RESOLUTION NO. 10317 – 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 1724 PARKER STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Robinson, and by consent of all members present, the resolution was adopted (7/0). (*\$6,130.23*)

R-22-137 (RESOLUTION NO. 10318 – 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 Baxter. 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 adopted (7/0).

### **ORDINANCES**

O-22-58 (ORDINANCE NO. 9477 – MAYOR HARTWICK)

AN ORDINANCE AMENDING SECTION 1.1.1 OF THE NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 4, BUILDINGS AND BUILDING REGULATIONS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hamilton and seconded by Council Member Robinson, and by consent of all members present, with the exception of Council Member Hight who was still outside the council chambers, the readings were suspended (7/0). A motion to adopt was made by Council Member Taylor and seconded by Council Member Robinson. Council Member Baxter asked if a public notice would be provided regarding the revised codes. Ms. Fields said ordinances are published in the newspaper, which constitutes public notice. Mr. Shawn Spencer, Planning Director said the Planning Department will notify contractors through email or U. S. Mail. *Note: Council Member Hight reentered the council chambers.* 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). Emergency clause unanimously adopted (8/0). *(from 2006 to 2018 Arkansas Plumbing Code and from 2006 to 2018 Arkansas Fuel Gas Code)*

O-22-59 (ORDINANCE NO. 9478 – MAYOR HARTWICK)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 7001 FAULKNER LAKE ROAD IN THE PLANNING JURISDICTION OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R2 TO PLANNED UNIT DEVELOPMENT (PUD) ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; 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). A motion to adopt was made by Council Member Hamilton and seconded by Council Member Ginn. Council Member Robinson said this property had been before the council previously. Mr. Spencer said the only option to (allow the manufactured home to stay) was to rezone the property was a PUD. The location of the home is in Pulaski County. The entrance to the driveway is in the city. Mr. Spencer said a Special Use was previously granted for a modular home for a temporary period of time as the owner's intent was to build (stick built) home. Instead, he remodeled the modular home by adding bricks to the exterior and other improvements which have transformed the property. Council Member Taylor referenced previous issues regarding street development outside the city that is later annexed into the city. Mr. Spencer said the driveway would not be the same as a street. 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). Emergency clause unanimously adopted (8/0). (*applicant: Delano Davis*)

O-22-60 (ORDINANCE NO. 9479 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE WAIVING SECTION 6.2.4.E OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR CERTAIN REAL PROPERTY LOCATED AT 8720 FAULKNER LAKE ROAD IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson 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 Robinson and seconded Council Member Ginn, 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). (*Parking Design and Surface Standards*)

O-22-61 (ORDINANCE NO. 9480 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE APPROVING FEE IN-LIEU OF SIDEWALK CONSTRUCTION FOR CERTAIN REAL PROPERTY LOCATED AT 8720 FAULKNER LAKE ROAD IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson 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 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: Rodney McCain of McClelland Consulting Engineers, Inc.*)

O-22-62 (ORDINANCE NO. 9481 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE APPROVING FEE IN-LIEU OF PLANTING TREES FOR CERTAIN REAL PROPERTY LOCATED AT 8720 FAULKNER LAKE ROAD IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson 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 Hamilton and seconded by Council Member Taylor. Council Member Ross referenced Exhibit A and advised the fee is \$400.00 per tree, not \$40.00 for a total of \$18,000.00. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Council Member Hamilton who stepped out of the council chambers, the ordinance was adopted (7/0). Emergency clause adopted (7/0). (*applicant: Rodney McCain of McClelland Consulting Engineers, Inc.*)



O-22-63 (ORDINANCE NO. 9482 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE APPROVING FEE IN-LIEU OF PLANTING TREES FOR CERTAIN REAL PROPERTY LOCATED AT 3700 PROGRESS STREET IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS; 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, with the exception of Council Member Hamilton who was outside the council chambers, the readings were suspended (7/0). 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, with the exception of Council Member Hamilton who was outside the council chambers, the ordinance was adopted (7/0). *Note: Council Member Hamilton reentered the council chambers.* Emergency clause unanimously adopted (8/0). (*applicant: Keith Smith of Tyson Foods, Inc.*)

O-22-64 (ORDINANCE NO. 9483 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN ELECTRIC FENCE IN AN I2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 8700 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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). A motion to adopt was made by Council Member Ginn and seconded by Council Member Baxter. Council Member Hamilton asked if electric fences were allowed in the city. City Attorney Fields said they are allowed with a Conditional Use. Mr. Michael Pate, Director of Government Affairs, Amarok LLC was present and advised several electric fences had recently been approved. Mr. Spencer said a Conditional Use had been requested along with fencing in the front on the top corner. Council Member Baxter said this is a low-voltage fence which has been previously approved at other locations. Mr. Pate said the fence is part of a security system powered by a 12 volt battery that pulses every 1.3 seconds. This is a two fence system with the electric fence located behind the perimeter fence. If the perimeter fence is knocked down, an alarm will go off as it is a dual electric fence / security system. Mr. Spencer said it is not the same type of electric fence used for livestock. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Council Member Hamilton, who voted no, the ordinance was adopted (7/1). Emergency clause adopted, council Member Hamilton voted no. (7/1) (*applicant: Amarok, LLC*)

O-22-65 (ORDINANCE NO. 9484 – COUNCIL MEMBER HAMILTON *for consideration only*)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW A DAYCARE CENTER IN A C3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 1724 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. A motion to suspend the rules and place the ordinance on its second reading was made by Council Member Hamilton and seconded by Council Member Taylor. Council Member Hamilton said he has discussed the proposed use with the building owner (Paul Strack) and the lessor

(Sheretta Morris) along with five (5) different day care center directors. A day care center is needed in this area for working families. Council Member Hamilton said the front parking lot is blocked by a cable erected by a neighboring property owner. The (Arkansas State) Highway (Department) (ARDOT) has an access from Pike. An access shown in the illustration is not an actual access point. City Engineer Chris Wilbourn said when Pike was widened, there was access which included a Cross Access Easement (old Pike Avenue). ARDOT is trying to limit access off of Pike by using a Cross Access Easement. Mr. Wilbourn said ARDOT might give the city a curb-cut permit for access from Pike. The applicant, Ms. Morris was present and advised she also has a facility on 25<sup>th</sup> Street, which has been there for seven (7) years. Ms. Morris has 30 years of child care experience. Council Member Ross referenced drop off and pick up. There have been issues with use of the alley. Mayor Hartwick asked if there would be any issues with the Food Pantry at Gardner Memorial Church. Council Member Hamilton said the property owner (Mr. Strack) granted permission to Ms. Morris to make the Conditional Use Application. He said the day care his daughter attends has 120 students with drop off takes place between 6 a.m. and 9:00 a.m. and pick up between 3 p.m. and 6 p.m. Council Member Robinson asked if DHS (Department of Human Services) had reviewed the building/proposal. Ms. Morris advised they had. Council Member Ross asked where employees would park. Ms. Morris has acquired the property across the street. Council Member Hamilton revised his previous motion to suspend the readings which was seconded by Council Member Ross. Council Member Baxter said there is no way to access the ten (10) parking spaces in front of the building. He asked about egress away from the building in the event of a fire. Mr. Spencer said the access question is related to the playground. There would be another access in a different location. Council Member Ross said the owner had tried to put in another access, however, the previous Traffic Director, Tim Marvin would not allow one due to the location near the intersection. On the previous motion, 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 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). (*applicant: Sheretta Morris*)

O-22-66

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW AN ASSISTED LIVING FACILITY WITHIN AN R4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 720 NORTH PINE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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). A motion to adopt was made by Council Member Robinson and seconded by Council Member Taylor. Council Member Ross asked about the difference in the maximum number of clients allowed. Mr. Spencer said one is under the Fire Code and the other is under the Assisted Living Code. Both rules were included in the legislation, however, the default will be the lesser number, which is three (3). Council Member Baxter referenced Section 2. 3. and asked if that was Mr. and/or Mrs. Elliot or another employee. Ms. Fields said the way it is written, Andre Elliot

or Patricia Elliott must maintain active supervision of the facility at all times. The applicant was not present. The legislation was then held at the request of sponsor Council Member Robinson.  
(applicant: Andre Elliot)

O-22-67 (ORDINANCE NO. 9485 – COUNCIL MEMBER HAMILTON)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A RESIDENCE AND COMMERCIAL BUSINESS WITHIN A SINGLE STRUCTURE IN AN C3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4121 JOHN F. KENNEDY BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hamilton 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 Hamilton and seconded by Council Member Ross. Council Member Hight asked the applicant, Mr. Tuyen why they were living in the building. Mr. Tuyen said the building was built in 1960. He and his brother purchased the building in 1999. They had no intention of breaking any rule or not follow the law. They have operated their salon and lived on site. They work hard and pay taxes. They did not know anything was wrong until a recent fire inspection, when they were asked why they lived there. Mr. Tuyen again said he did not know it was not allowed. Chief Fire Marshal Brent Almon said after a recent fire inspection, the Fire Marshal's Office was asked to follow-up. They found a few concerns with the arrangement of the rooms and zoning requirements. The main concern (for the Fire Department) was a bedroom located in the center of the building, not on an exterior wall where there might be a window or door to leave directly outside in the event of an emergency. There were a few other issues that can be resolved. Chief Almon said the Fire Marshal's Office is okay with them staying there but want to make sure it is safe for them. Mr. Tuyen understands the requirements and is willing to make the necessary modifications. Chief Almon said live/work units are allowed under the Building Code. The majority of the building is their residence. A small portion is the nail salon with two (work) stations. Council Member Robinson asked if this was the correct zoning. Mr. Spencer said there isn't really one which is why the request is for a Special Use that will go away when they sell or are no longer there. This request is only good for the applicant. Council Member Hight said he has both empathy and sympathy for the applicant. This has been allowed to go on for some time. He had concern with the message being sent if this is allowed. Millions of dollars are being spent on Jump Start Park Hill and new development and remodeling is taking place around this location. Council Member Ross said they have lived there 20 years. They didn't know. The business has been inspected over the years and no one said anything. She said she is okay with a Special Use. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Council Member Taylor who passed, and Council Member Hight, who voted no, the ordinance was adopted (6/1/1). Emergency clause unanimously adopted (8/0). (applicant: Dennis Tuyen)

**PUBLIC COMMENT**

Council Member Ross switched her telephone provider and is having some issues. If someone is not able to reach her, please contact the Mayor’s Office. Mayor Hartwick said someone has painted graffiti on the Levy overpass three (3) times. The city is offering a reward in the amount of \$2,000.00 for information leading to the arrest of the individual or others doing the damage.

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 8:27 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, July 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