

July 25, 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 25, 2022, was called to order at 6:00 p.m. by the Honorable Mayor Terry C. Hartwick.

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, STEVE BAXTER, RON HARRIS, JANE GINN and CHARLIE HIGHT (7/0). Council Member LINDA ROBINSON was present but had stepped out of the council chambers during roll call. City Clerk/Treasurer Diane Whitbey, Deputy City Clerk/Treasurer Talor Shinn, and City Attorney Amy Beckman Fields 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, July 11, 2022, were approved, accepted and filed as prepared by the City Clerk, Diane Whitbey (7/0).

Council Member Robinson reentered the Council Chambers.

On the blanket motion of Council Member Hamilton and seconded by Council Member Hight, and by consent of all members present, communications #1 through #11 were accepted and filed (8/0).

1. Anita Paul, Mayor's Office memorandum re: application for Restaurant Mixed Drink Permit – Minimum – New application for Dog Town Pizza, 5500 MacArthur Drive.
2. Phyllis L. Grace email to City Clerk and City Council Members re: O-22-68 – Rezoning property at 1120 Rockwater Boulevard stating opposition to rezoning.
3. Jeanie Burton email to City Clerk and City Council Members re: O-22-68 – Rezoning property at 1120 Rockwater Boulevard stating opposition to rezoning and fate of Magnolia Tree.
4. George and Jean Harper email to City Clerk and City Council Members re: O-22-68 – Rezoning property at 1120 Rockwater Boulevard stating opposition to rezoning and fate of second tallest Magnolia Tree in the state.
5. Dale Humphrey email to City Clerk and City Council Members re: O-22-68 – Rezoning property at 1120 Rockwater Boulevard regarding 160 year old Magnolia Tree.

6. Robert Birch, Economic Development Director sign regarding new location of Greyhound Bus Stop.
7. Cindy VanVeckhoven email to City Clerk and City Council Members re: O-22-68 – Rezoning Property at 1120 Rockwater Boulevard stating opposition to rezoning and fate of Magnolia Tree.
8. Lea Charlton email to City Clerk and City Council Members re: O-22-68 – Rezoning Property at 1120 Rockwater Boulevard stating opposition to rezoning and disregard to city screening and landscaping requiring buffers between dissimilar uses.
9. Lee Beverly email re: Rezoning Ordinance O-22-68 – 1120 Rockwater Boulevard, stating opposition to the same.
10. Stephanie Winchester email to Mayor Hartwick and City Council Members re: O-22-68 – Rezone at 1120 Rockwater Boulevard, stating opposition to the same and questions regarding city’s vision for North Little Rock.
11. Regina Seelinger and Don Parks email to City Clerk and City Council Members re: O-22-68 – Rezoning property at 1120 Rockwater Boulevard stating opposition to the same.

Mayor Hartwick announced a Special Call.

July 22, 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 6:05 p.m. on Monday, July 25, 2022, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

**R-22-152 – Approving the HOME – ARP Allocation Plan and amending the 2021-2025 Consolidated Plan and FY2021 Action Plan of the City of North Little Rock in regards to the inclusion of allocated Home Investment Partnership Act (HOME) grant funds (*public hearing*) Sponsor: Mayor Terry C. Hartwick.**

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**

**R-22-152 (RESOLUTION NO. 10319 – MAYOR HARTWICK)**

**A RESOLUTION APPROVING THE HOME – ARP ALLOCATION PLAN AND AMENDING THE 2021-2025 CONSOLIDATED PLAN AND FY2021 ACTION PLAN OF THE CITY OF NORTH LITTLE ROCK IN REGARDS TO THE INCLUSION OF ALLOCATED HOME INVESTMENT PARTNERSHIP ACT (HOME) GRANT FUNDS; AND FOR OTHER PURPOSES,**

was read. Mayor Hartwick asked Ms. Bailey Noland, Director of Community Development to come forward. Mayor Hartwick convened a public hearing. Ms. Noland provided a brief overview of the program which includes funding from the American Rescue Plan. The city has worked with a consultant to put together a plan outlining how funds will be used in accordance of HUD (Housing Urban Development) guidelines. Once the plan is submitted to HUD it will be reviewed. Following approval it will come back before the council including specifics. Mr. James Gillian, Consultant was present via telephone (due to his flight being canceled earlier in the day). Mr. Gillian provided background on funding that can be used to address the COVID epidemic and increased numbers of homelessness in communities. The cities of Little Rock and North Little Rock received \$1,272,771.00. Funds can be used toward affordable rental housing, tenant-based rental assistance, supportive services that range from everything from childcare, to health related issues and support services, and non-congregate housing (housing of a permanent type where there is a full unit provided to whoever is benefiting from it and cannot be a day shelter). The plan also includes the city's data required to support the need for funding. Mr. Gillian said they have worked with 25 agencies in the city acquiring data and priorities. Public hearings have also been held. Once HUD approves the Allocation Plan, the city would be allowed the opportunity to decide the types of projects that would be funded. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0).

## **PRESENTATIONS**

Mayor Hartwick asked Miss Anna Sawyer, Community Gardens Director to come forward to introduce a video update on the program. One of the updates was the introduction of Google Culture Raised Beds which is a Germanic approach to raised bed gardening that works by slowly releasing nutrients over time. A traditional version would be a mound of soil. A contained version included a wire frame with a top later of dirt or soil mixed with compost. The culture bed begins with dead, organic material like branches, topped with a layer of leaves, compost, and food scraps, topped with the referenced topsoil/dirt mix. During the spring season Community Gardens partnered with Engage AR, which is a state service commission. A week-long series of activities and workshops were hosted during National Volunteer Week (aka National Week of Service). During the week, they partnered with the St. Joseph Center to host a garden work day and sign painting workshop. They worked with North Little Rock Parks and Recreation to host a trail cleanup on the Levy Spur Trail. They also partnered with the Arkansas Dream Center to host a Native Plan and Pollinator Educational Workshop during which time,

participants also created flower bombs for distribution. They also worked with the Pikeview Early Childhood Center by providing a weeklong gardening class. Miss Sawyer provided an update on Community Gardens around the city as well. She is taking Fall Garden Applications which will be due August 15. For information call 501-351-0184 or email [asawyer@nlr.ar.gov](mailto:asawyer@nlr.ar.gov). Following the video, Miss Sawyer provided examples of produce and herbs grown in the gardens this year.

### **UNFINISHED BUSINESS**

**R-22-133 (RESOLUTION NO. 10320 – MAYOR HARTWICK)**

**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 Hight and seconded by Council Member Ross. City Attorney Fields provided a revised version of the contract (see amendment motion below). Mayor Hartwick said the site is across from Simmons Bank Arena. On the motion of Council Member Harris and seconded by Council Member Hamilton, and by consent of all members present, Exhibit A was amended as follows: (summary) *extend expiration date to July 29, construction deadline extended to July 15 or within 5 months of final permits being issued by the seller, lowered the real estate commission from 4% to 3% to be split by Nabholz Properties and MidArk Properties, and extended time for city to receive title commitment from 5 days to 90 days.* (8/0). Council Member Taylor asked why a commission is being paid on this deal. Mr. Greg Nabholz is representing himself and his firm and the price was raised to cover part of the commission. The buyers are willing to take that (the commission) off. Council Member Taylor said if it is built into the selling price he is fine with it. Council Member Ross said Mr. Nabholz had brought other investors in on the project. A motion to adopt as amended was made by Council Member Taylor and seconded by Council Member Hight. Council Member Ross asked Mr. Nabholz to review the plans for the property. Illustrations included a view of a building on Lot C and other buildings on property the group already owns. Mr. Nabholz said the property could include condominiums, lofts and/or offices on upper levels. On the previous motion, and by consent of all members present, the resolution was unanimously adopted as amended (8/0). *(Greg Nabholz and Scott Hilburn)*

**O-22-66 (ORDINANCE NO. 9486 - COUNCIL MEMBERS TAYLOR AND ROBINSON)**

**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 PUPROSES,** was read July 11, 2022 and the readings were suspended. The item was read a final time this date. A motion to adopt was made by Council Member Taylor and seconded by Council Member Hamilton. The applicant and his wife were present. Council Member Ross referenced Section 2: 2. regarding the number of clients allowed at the location, which is three (3). She also referenced Section 2: 3. which included that “Andre Elliot or Patricia Elliot must

maintain active supervision of the facility at all times,” and asked if they planned to live on site. Mr. and Mrs. (Patricia) Elliot said that was not their intent. Mrs. Elliot said someone would be on site. The three (3) people who live on site will never be alone (or without supervision). Mr. Elliot said either a nurse or CNA will be on site overseeing care. Mrs. Elliot said she is a RN Administrator. City Attorney Fields said the way the section is worded does not mean that one of them has to be on site at all times. A supervisor would suffice. On the previous motion, and by consent of all members present, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0).  
(applicant: Andre (and Patricia) Elliot)

### **CONSENT AGENDA**

On the motion of Council Member Harris and seconded by Council Member Hamilton and by voice vote and all members present having voted in the affirmative, consent agenda items R-22-138, R-22-139, R-22-140, and R-22-142 were adopted (8/0). R-22-141 was held by the sponsor Mayor Hartwick.

R-22-138 (RESOLUTION NO. 10321 – MAYOR HARTWICK)

A RESOLUTION APPOINTING MICHAEL CASTERN TO THE NORTH LITTLE ROCK TREE BOARD; AND FOR OTHER PURPOSES, was adopted (8/0).

R-22-139 (RESOLUTION NO. 10322 – 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-22-140 (RESOLUTION NO. 10323 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A REAL ESTATE CONTRACT TO SELL CERTAIN REAL PROPERTY LOCATED ON RAY STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO DUKE AND JANET LINEE OPHOF; AND FOR OTHER PURPOSES, was adopted (8/0). (\$12,000.00)

R-22-141

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A REAL ESTATE CONTRACT TO SELL CERTAIN REAL PROPERTY LOCATED NEAR RIVERFRONT DRIVE AND SMARHOUSE WAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO JCDD, LLC; AND FOR OTHER PURPOSES, was held by the sponsor and will be filed under unfinished business for the August 8, 2022 meeting. A survey distributed this date will need to be attached by amendment.

R-22-142 (RESOLUTION NO. 10324 – 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). (*\$616,000.00 – demolition at 4120 Baucum Pike*)

**NEW BUSINESS**

Mayor Hartwick convened a public hearing on the following items: R-22-143 – 715 East 14<sup>th</sup> Street, R-22-144 – 3 West Avalon Drive, R-22-145 – 4808 Haywood Street, R-22-146 – 1304 North Walnut Street, R-22-147 – 1600 Orange Street, R-22-148 – 512 Dorothy Drive, and R-22-149 – 2206 East Washington Avenue. There being no one present wishing to be heard, the public hearing was adjourned.

R-22-143 (RESOLUTION NO. 10325 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 715 EAST 14<sup>TH</sup> STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Mays Property Management Inc c/o George Mays*)

R-22-144 (RESOLUTION NO. 10326 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 3 WEST AVALON STREET DRIVE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Taylor, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: SRF3 -010 LLC*)

R-22-145 (RESOLUTION NO. 10327 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 4808 HAYWOOD STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: East Street Properties LLC*)

R-22-146 (RESOLUTION NO. 10328 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1304 NORTH WALNUT STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owners: Hester Family Trust c/o Julia Lee Boyle (trustee).*)

R-22-147 (RESOLUTION NO. 10329 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1600 ORANGE STREET IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; 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 resolution was unanimously adopted (8/0). (*owners: Billy E. Ford and Mary A. Ford*)

R-22-148 (RESOLUTION NO. 10330 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED 512 DOROTHY DRIVE IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNERS TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owners: Larry Thomas Morehead and Brittany Nicole Taylor.*)

R-22-149 (RESOLUTION NO. 10331 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2206 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. A motion to adopt was made by Council Member Taylor and seconded by Council Member Robinson. Mr. Elvin Williams, Jr. was in the audience and came forward to speak. Mr. Williams said he had contractors working. However, they were both robbed by a neighbor in May and wouldn't come back. The neighbor is no longer there. The contractor has indicated he will return when he finishes a current project. Mayor Hartwick asked if Mr. Williams knew the option if the property is condemned. City Attorney Fields said property owners have 30 days to contact their office to enter into a rehabilitation agreement and post a (cash) bond in an amount to cover the cost of demolition if the property is not rehabilitation within 180 days. Mr. Williams said he

purchased four (4) properties in the area. He has had some issues and had to move into one of them. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0). (owner: *Elvin Williams, Jr.*)

R-22-150 (RESOLUTION NO. 10332 – 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 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 Hamilton 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-22-68 (ORDINANCE NO. 9487 – COUNCIL MEMBERS ROBINSON AND TAYLOR)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 1120 ROCKWATER BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R2 AND R4 TO C6 ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Hamilton, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Council Member Taylor and seconded by Council Member Hight. Mayor Hartwick convened a public hearing. City Attorney Fields reviewed a proposed amendment which would amend the proposed rezoning of C6 for the entire area, to a small parcel only, currently zoned R2 to R4. The other areas/parcels would remain as they are (R4 and C6). An illustration was provided on the screen which included a small parcel to the west of the area, with a wedge shape on the south end. This area is R2 and would be rezoned to R4. Mayor Hartwick referenced the current R4 and C6 areas. City Attorney Fields confirmed those areas would remain the same. Planning Director Shawn Spencer advised additional notification was not required on the proposed amendment since C6 is a heavier use than R4 which is a less intensive use. On the motion of Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the ordinance was amended as follows: *substitute version provided this date* (8/0). Mr. Thomas Pownall, Thomas Engineering was present representing the property owner, Shoreline At Water, LLC. Mrs. Lisa Ferrell is a member of the LLC. She has listened to the residents and appreciated the opportunity to compromise with them. There have been individual meetings with property owners regarding the proposal where the main concern was the C6 rezoning. Mr. John Owens, President Rockwater Property Owners Association (POA) advised the POA passed a resolution opposing rezoning the larger portion of the site from R4 to C6. They did not address the small parcel being changed from R2 to R4. The proposed change does address their concerns regarding the initial request. Mayor Hartwick ask anyone who agreed with Mr. Owens' comment to



stand (5 stood). Mayor Hartwick invited anyone who had a statement other than that made by Mr. Owens to come forward. Mr. Adam Day lives in Rockwater. He is an architect and has been involved in numerous discussions about the proposed project. He didn't feel like a lot of people were made aware of the amendment. Council Member Taylor asked if the R2 sliver was in the original packet as C6. Ms. Fields advised it was. Mr. Day referenced the original notification and the potential confusion. Ms. Debbie Boyd referenced the rezone. She pointed at where her home is located on a photo which included an area referred to as The Porches. She said one street is between her and the proposed development. She doesn't want 360 apartments across from her home. Council Member Taylor said regardless of the action by the council, the owner can proceed with building apartments under the existing zoning. Ms. Fields said R4 is Multi-Family which allows apartment complexes. Council Member Ross said *by right*, the (property) owner can build apartments. Mayor Hartwick said this property was (re)zoned in 2019. Ms. Phyllis Glaze is a resident at Rockwater and understands the status of the C6 and R4 parcels. They (residents) are trying to save the second largest Magnolia tree in the state which is on the sliver proposed to be changed from R2 to R4 where residents want a buffer. Council Member Taylor said there are processes in place requiring buffers when residential uses are involved. Ms. Glaze said she is a commercial developer and has been in business 46 years. She said 2-inch caliber trees will take 10 to 15 years to mature. Council Member Taylor said the owners could remove existing trees. Mr. Spencer said a buffer is a space, not necessarily what is growing on it. He added that in this instance the issue involves a change in elevation which would require some of the trees being removed and replaced with 2-inch trees. Ms. Lea Charlton lives in Rockwater. She said they (the residents) were not consulted when a deal was made with the POA. Only five (5) members voted on the proposed compromise. She referenced a Magnolia tree and said it is a minimum of 160 years old and had been examined by the (Arkansas) Department of Agriculture. It is irreplaceable and beloved and all of the trees are beautiful. She added there has to be a "tree protection zone" which would not allow parking a car or other equipment within the area. She said none of the residents want their million dollar homes next to a fence and parking lot. Ms. Charlton referenced a communication regarding city requirements pertaining to buffers and trees and said the site plan violates these. Mr. Edward Hoy lives in Rockwater, two doors from the proposed development. He thanked the council for the compromise and advised he is not opposed to the development. He wanted to make sure everyone was legally notified. He referenced a Bill of Assurance on the parcels and advised he had talked to Mrs. Ferrell who advised it had been amended. He requested but has not received a copy. Mr. Hoy asked about the site plan review process. Mr. Spencer said this discussion is regarding a rezoning. Mr. Steve Winchester said a concern has been unfulfilled expectations and asked who would govern the Bill of Assurance. Council Member Taylor said the POA would have to take the matter to Circuit Court. Mr. Winchester asked about site plans and variances being made without proper notification. Mr. Dale Humphrey moved to Rockwater about a year ago. He said the developers are not "Rockwater", they have a financial interest. The residents are and have a vested interest in their community. He said he understood there were plans for condominiums, walkable spaces and shops. He added that property owners in Rockwater pay \$171,336.00 each year to service debt for infrastructure. Mr. Humphrey said apartment dwellers will come and go and many do not vote. They

do not pay taxes and are often disinterested. He referenced the recovery center property and vandalism, and suggested condemning the buildings. There being no one else wishing to be heard, Mayor Hartwick adjourned the public hearing. On the motion of Council Member Taylor and seconded by Council Member Robinson, and the roll having been called, and all members present having voted in the affirmative, with the exception of Council Member Harris who recused, the ordinance was adopted as amended (7/1). Emergency clause unanimously adopted (8/0). (*applicant: Thomas Pownall of Thomas Engineering*)

Mayor Hartwick recessed the meeting at 7:20 p.m. The meeting was reconvened at 7:27 p.m.

O-22-69 (ORDINANCE NO. 9488 - COUNCIL MEMBER TAYLOR)

AN ORDINANCE WAIVING SECTION 6.2.4.B OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR CERTAIN REAL PROPERTY LOCATED AT 110 SOUTH BEECH 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 Hight and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (8/0). On the motion of Council Member Taylor and seconded by Council Member Hamilton, and the roll having been called, and all members present, having voted in the affirmative, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Stephen Eanes of T. Alvin Eanes Building Company, Inc.*)

O-22-70 (ORDINANCE NO. 9489 - COUNCIL MEMBER ROBINSON)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW THE SALE OF DIRT FOR THREE (3) YEARS IN AN R2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 12602 FAULKNER LAKE ROAD IN THE CITY NORTH LITTLE ROCK, ARKANSAS; DELCARING 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 Taylor and seconded by Council Member Robinson. Mayor Hartwick asked how long the applicant, Mr. Middleton would be hauling/selling dirt from the site. Mr. Middleton said three (3) years. Mayor Hartwick asked if Mr. Middleton was going to keep the road (Faulkner Lake) clean as there had been issues in the past with mud, etc. on the road. Mr. Middleton advised is going to pave the existing concrete waste road from Faulkner Lake Road to the tree break, which is about a quarter mile. Mr. Middleton said if there is mud on the road he will take care of it. Council Member Ross said the hours of operation are listed from 6 a.m. until 8 p.m. Monday through Saturday. There are residential houses in the area. Mr. Middleton said they would not on Saturday, except during the "spring yard season" and would only be open from 7 a.m. until 4:00 p.m. during the week. Mr. Middleton added he is selling dirt to create a pond on a family farm. Council Member Baxter said they had an individual who did some hauling (not dirt) through Burns Park and down MacArthur Drive which has caused some issue. On the motion of Council Member Ross and seconded by Council Member Hamilton, and by consent of all

members present, the ordinance was amended as follows: *Section 2: 6. Strike Monday-Saturday, 8am-6pm and insert MONDAY – FRIDAY, 7AM-4PM, AND SATURDAY 7AM-NOON (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). (*applicant: Rick Middleton*)

O-22-71

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW AN AUTO SALES LOT IN 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. 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 Hamilton. Council Member Baxter asked if this would be a 24-hour operation. Mr. Spencer said the Planning Commission adds hours of operation if there are (residential) neighbors nearby. There are none in this situation. Council Member Robinson said they don't need to be selling cars late at night. The applicant was not present. The legislation was then held by the sponsor, Council Member Taylor. (*applicant: Veronica Edwards of Brooks Autoplex Corporation*)

O-22-72 (ORDINANCE NO. 9490 – COUNCIL MEMBER HAMILTON)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 2120 MAIN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM C3 TO C6 ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hamilton 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 Taylor asked why the zoning was going from C3 to C6. Mr. Penny rents the property to people. He has had tenants who want to live there and others who want to operate a business. By changing the zoning a tenant could do both. 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: Butch Penny*)

O-22-73 (ORDINANCE NO. 9491 – COUNCIL MEMBER ROBINSON)

ORDINANCE NO. VACATING AND ABANDONING A CERTAIN UNUSED EASEMENT ON PROPERTY LOCATED AT 3310 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 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 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). (*applicant: Norman E. Clifton of the Clifton Family LLLP*)

O-22-74 (ORDINANCE NO. 9492 – COUNCIL MEMBERS ROBINSON AND TAYLOR) ORDINANCE VACATING AND ABANDONING CERTAIN RIGHTS OF WAY LOCATED SOUTHWEST OF THE INTERSECTION OF ROCKWATER BOULEVARD AND PIKE AVENUE; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (8/0). A motion to adopt was made by Council Member Taylor and seconded by Council Member Baxter. Council Member Ross asked City Engineer Chris Wilbourn if any of this would impact the bike trail in anyway. Mr. Wilbourn said the trail heads north of the roundabout to 13<sup>th</sup> Street. The planned new development has a place for the trail to go from the roundabout and tie in to the River Trail. Mr. Pownall showed where the trail stops and said they would widen the road to make a 12-foot bike only trail. Council Member Baxter asked if there would be bollards to insure there was no vehicle traffic that attempts to go that route. Council Member Harris said the money spent along Pike was from a grant, which Mr. Wilbourn said was a Federal ARDOT (Arkansas Department of Transportation) (Matching) Grant provided 80% funding. The city had to match with 20%. The plan is to continue to extend the trail north to eventually connect to the Levy Trail. 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).

#### **PUBLIC COMMENT**

Ms. Marie Hollowell lives on Faulkner Lake Road. She someone is already digging and hauling dirt on Faulkner Lake Road. She said she doesn't believe they have a license to conduct the business. She advised Mr. Middleton does not own the property referenced earlier in the meeting yet. The road is not being taken care of. Ms. Hollowell thanked Mayor Hartwick, Council Members Robinson and Taylor for their work to get Faulkner Lake Road repaired. She also referenced the ground breaking held this morning (on Faulkner Lake Road). Mayor Hartwick invited Assistant Fire Chief Beau Buford to come forward. Chief Buford will retire Friday (July 26, 2022) after serving 28 years with the North Little Rock Fire Department. He will be taking a new position as Fire Chief for the City of Maumelle. He thanked everyone for their support of the Fire Department and for the opportunity to be a part of the city. Chief Buford said he hopes the Sales Tax will continue so a new Central Fire Station can be built. The existing station, which was built in 1962, is in need of repair.

There being no further business to come before the Council, and on the motion of Council Member Hamilton and seconded by Council Member Baxter, and by consent of all members present, the meeting was adjourned at 7:50 p.m. (8/0), until the next regularly scheduled meeting to be held on

Monday, August 8, 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