

July 24, 2023
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 24, 2023, 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, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, and VINCE INSALACO, III (7/0). Council Member CHARLIE HIGHT was absent. City Clerk/Treasurer Diane Whitbey, Deputy City Clerk Talor Shinn, Deputy City Clerk/Revenue Enforcement Officer Jim Scott, and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance were led by Council Member Insalaco, III.

On the motion of Council Member Ross and seconded by Council Member Insalaco, III, and by consent of all members present, the minutes from the North Little Rock City Council meeting held Monday, July 10, 2023, were approved, accepted and filed as prepared by City Clerk Diane Whitbey (8/0).

On the motion of Council Member Baxter and seconded by Council Member Ross, and by consent of all members present, communications #1 and 2, were accepted and filed (7/0).

1. Alan King, Cypress Crossing Multipurpose Property Owners' District No. 26 of North Little Rock Resolution appointing new commissioners.
2. Anita Paul, Mayor's Office memorandum re: *Restaurant Mixed Drink Maximum Permit – New Application #40936*, for Draft + Table at 301 Main Street, Suite 101 for Scott Landers.

PRESENTATIONS

Arkansas Municipal League (ARML) Attorneys John Wilkerson, Blake Gary and Jack Critcher presented Arkansas State Senator (North Little Rock) Jane English a plaque from ARML members from across the state thanking her for her services during the 2023 Legislative Session. Senator English was instrumental in passing a bill related to cyber security.

Ms. Betty Anderson North Little Rock Human Resources Director introduced a group of participants in the 2023 Mayor's Summer Youth Program. Participants were between the ages 16 to 24 and

included high school students, college students, and grad students. Participants are allowed to work 352 hours during the year and earn knowledge in various areas of local government. Many go on to become government employees. Ms. Anderson asked all of the participants and their parents to come forward for a photo with Mayor Hartwick.

Ms. Sandy DeCoursey, Executive Director of the St. Joseph Center of Arkansas, Inc., introduced members of the AmeriCorps NCCC (National Civilian Community Corps) who have been volunteering in North Little Rock. The group has been in the city since the windstorm, June 25, 2023. The mission of AmeriCorps NCCC is to strengthen communities and develop leaders through team-based and national community service. Members of the team introduced themselves and shared where they were from, which included New York, California, Connecticut, South Carolina, Ohio, and Minnesota.

Mayor Hartwick asked Ms. Diana Pontalti Giordani to come forward. She came to Arkansas seven (7) years ago on a volleyball scholarship and is from Caxias do Sol, Brazil.

UNFINISHED BUSINESS

O-23-48

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A TYPE 1 SHORT TERM RENTAL (STR) IN AN R2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 309 WEST 7TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and the readings were suspended July 10, 2023. The legislation was again read on this date. A motion to adopt was made by Council Member Taylor and seconded by Council Member Robinson. Council Member Ross said the property is a duplex and the owner lives on one side and rents the other as a Short Term Rental (STR). She asked if future applicants would be able to request the same consideration (under the same circumstances). City Attorney Fields said this would be inconsistent with the existing (STR) ordinance (9559) as it is owner-occupied and a new STR would not be allowed in an R2. Council Member Taylor asked if it would be allowed with a Special Use. Ms. Fields advised it would not and her opinion was this is a single (real estate) parcel. Council Member Ross said situations would come up that might require the initial ordinance to be amended and suggested amending it to allow a duplex and STR (in an R2). Council Member Taylor asked Planning Director Shawn Spencer why Planning recommended a Special Use. Mr. Spencer said the ordinance did not directly address a duplex. Under planning zoning the two units are on one parcel which if the ordinance was amended it would help. If Council Member Ross amends the STR ordinance at the next meeting, this item (O-23-48) could be called after and adopted. Council Member Ross said she will vote against this ordinance as STRs are not allowed in an R2. City Attorney Fields reminded the council if this item is called to a vote and fails to receive a majority vote, the applicant will have to wait one (1) year to reapply. The applicant, Mr. Britt Tucker Stroth asked if he no longer lives in the duplex, would the Special Use stay in effect. City Attorney Fields said if he did not live at the location he could not have a STR as the property is in

an R2 zone. If he moved he would be able to rent both sides as long-term rentals. Council Member Hamilton asked if this was because there was a blanket ban on STRs in R2 (and R1) zones. City Attorney Fields said there is an exception for those that already existed. Mr. Stroth asked if the STR legislation is amended would he still be able to retain the Special Use. Council Member Hamilton suggested amending the (STR) ordinance to a certain (or restricted) number of STR locations. Council Member Taylor asked Mr. Spencer to clarify the difference between a Special Use and a Conditional Use in R1 and R2 zones. Mr. Spencer said (a Special Use is) to allow a suitable use not listed in the zoning ordinance. Council Member Hamilton asked Mr. Stroth if he would prefer an amendment that would allow him to operate his STR if the property is not owner-occupied. At the request of the sponsor, Council Member Taylor the legislation was held.

CONSENT AGENDA

By voice vote and all members present having voted “aye”, consent agenda items R-23-140, R-23-141, R-23-142, and R-23-143 were adopted (7/0).

R-23-140 (RESOLUTION NO. 10595 – MAYOR HARTWICK
A RESOLUTION REAPPOINTING RANDALL BRADLEY TO THE PARKS & RECREATION
COMMISSION; AND FOR OTHER PURPOSES, was adopted (7/0).

R-23-141 (RESOLUTION NO. 10596 – MAYOR HARTWICK)
A RESOLUTION APPOINTING SYLVESTER L. SMITH TO THE ROCK REGION
METROPOLITAN TRANSIT AUTHORITY BOARD OF DIRECTORS; AND FOR OTHER
PURPOSES, was adopted (7/0).

R-23-142 (RESOLUTION NO. 10597 – MAYOR HARTWICK)
A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT AS
SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was adopted
(7/0).

R-23-143 (RESOLUTION NO. 10598 – MAYOR HARTWICK)
A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN
INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH LITTLE ROCK, THE CITY OF
LITTLE ROCK, ARKANSAS, PULASKI COUNTY, ARKANSAS, AND THE PULASKI COUNTY
BRIDGES PUBLIC FACILITIES BOARD FOR PURPOSES OF FUNDING THE OPERATION,
MAINTENANCE, AND ENHANCEMENT OF THE PEDESTRIAN WALKWAY; AND FOR
OTHER PURPOSES, was adopted (7/0).

NEW BUSINESS

R-23-144 (RESOLUTION NO. 10599 – MAYOR HARTWICK)

A RESOLUTION WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A PURCHASE POWER AGREEMENT WITH TODAY'S POWER, INC.; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Robinson and seconded by Council Member Hamilton. Mrs. Jessica Stephens, North Little Rock Electric Department Director of Power Supply, advised the city has a 25 year Public Power Agreement (PPA) with Today's Power Inc. for five (5) megawatts of solar power. She said most solar agreements are 25 years with an option to purchase at increments along the way. North Little Rock asked for an energy price to provide the city with electricity that will be generated and a service fee (\$100 [\$1,200 per month] for the first five (5) years). The fee will increase by approximately 2% each year during the 25 year term. Council Member Ross said the (initial) amount for Operations and Management is \$1,800 per month. Mrs. Stephens said the city would have the option to purchase the (solar) array after six (6) years or continue with the PPA. This would be analyzed by the Risk Department. Council Member Hamilton said he was glad the electric department was moving towards solar (power). Mrs. Stephens said current pricing fits within the department's portfolio. Mayor Hartwick asked about avoided cost which Mrs. Stephens said fluctuates. He said North Little Rock is the only city in the state that will have hydro, regular energy, and solar power. On the previous motion, and by consent of all members present, with the exception of Council Member Hamilton who passed, the resolution was adopted (6/1).

R-23-145 (RESOLUTION NO. 10600 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1124 NORTH F STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS 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. A motion to adopt was made by Council Member Robinson 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 adopted (7/0). (*owners: Danny Ray Jenkins and Billie Martinez-Jenkins*)

R-23-146 (RESOLUTION NO. 10601 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1502 ½ WEST SHORT 17TH STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS 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 Robinson 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 adopted (7/0). (*owner: Bruce E. Moorman*)

R-23-147 (RESOLUTION NO. 10602 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1807 BEN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCUTRES; 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 Baxter 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 adopted (7/0). (*owner: Joel Garcia Apodaca*)

R-23-148 (RESOLUTION NO. 10603 – 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 3626 GUM STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Baxter 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 adopted (7/0). (*amount - \$5,348.03*)

R-23-149 (RESOLUTION NO. 10604 – 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 1612 MOSS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. Mayor Hartwick convened a public hearing. There being no one present wishing to be heard, the public hearing was adjourned. On the motion of Council Member Robinson and seconded by Council Member Taylor, and by consent of all members present, and by consent of all members present, the readings were suspended (7/0). *Note: Section 4 amount \$5,725.85 was corrected by Legal Department to \$4,725.85. (amount - \$4,725.85)*

O-23-50 (ORDINANCE NO. 9583 – MAYOR HARTWICK)

AN ORDINANCE ADOPTING THE NORTH LITTLE ROCK FIRE DEPARTMENT (NLRFD) RULES AND REGULATIONS; 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 (7/0). On the motion of Council Member Robinson and seconded by Taylor, and the roll having been called, and all members present having voted in the affirmative, the ordinance was adopted (7/0). Emergency clause adopted (7/0).

O-23-51 (ORDINANCE NO. 9584 – MAYOR HARTWICK)

AN ORDINANCE AUTHORIZING THE ISSUANCE OF INDUSTRIAL DEVELOPMENT REVENUE BONDS UNDER THE MUNICIPALITIES AND COUNTIES INDUSTRIAL DEVELOPMENT REVENUE BOND LAW FOR THE PURPOSE OF SECURING AND DEVELOPING INDUSTRY; TO AUTHORIZE THE SALE OF THE BONDS AND THE APPROVAL OF A BOND PURCHASE AGREEMENT AND PAYMENT IN LIEU OF TAXES AGREEMENTS IN CONNECTION THEREWITH; TO AUTHORIZE THE EXECUTION AND DELIVERY OF A TRUST INDENTURE SECURING THE BONDS; AUTHORIZING AND PRESCRIBING CERTAIN MATTERS PERTAINING TO THE PROJECT, THE ACQUISITION, CONSTRUCTION, AND EQUIPPING THEREOF, AND THE FINANCING THEREOF; AUTHORIZING THE EXECUTION AND DELIVERY OF LEASE AGREEMENTS RELATING TO THE PROJECT; 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 (7/0). Mayor Hartwick convened a public hearing. Ms. Martha Capps is a resident of the Delta Lawn Edition and a member of the Rose City Neighborhood Association. Ms. Capps said she has recycled glass for years and encourages others to do the same. She referenced a packet she shared with Council Members. Residents in the area want to make sure this business does no harm to their community. Mr. Robert Birch, Economic Development Director had received several questions regarding the business. The property is currently zoned I2 (Industrial) which is appropriate in this case. There were concerns regarding noise, air quality, and appearance. The facility will be indoors and quiet. The facility is currently in the design phase. The only things visible from outside will be the parking lot. Mr. Birch said there is also a 100 foot setback where there are trees. Any outdoor storage would be minimal and not in public view. ADEQ (Arkansas Department of Environmental Quality) has signed off on the air quality. Mr. Birch and others will be speaking on the topic at the Rose City Neighborhood Association meeting in August. Ms. Capps said she researched glass recycling facilities across the United States. She spoke with an employee of a company in Pennsylvania who said their only issue was dust. Mr. Courtney Little – Ace Glass said they have partnered with a group from Austria regarding dust solutions. He said they would also have a tree buffer. Mr. Little said their product is an ultra-light foam glass aggregate. It can be used for road base or filler in poor soil. The product is seven (7) times the volume per ton than regular gravel which reduces transportation costs. This product was used on the Interstate 30 crossing where there was a utility crossing that would have required a structural casing to protect lines. This product was put in and the top layer was compacted. The highway paving material was installed over it. This saved the Arkansas Department of Transportation money. Mr. Little said the aggregate costs more, but the final road costs less. This product is used in Europe to protect membrane roofs. The product is also used in greenhouses instead of styrofoam for insulation. Council Member Robinson said this item will go before the Planning Commission on August 8. There being no one else wishing to be heard, Mayor Hartwick adjourned the public hearing. On the motion of Council Member Ross and seconded by Council Member Taylor, and the roll having been called, and all members present having voted in the affirmative, with the exception of Council Member Robinson who passed, the ordinance was adopted (6/1). Emergency clause adopted (7/0).

PUBLIC COMMENT

There were no public comments.

There being no further business to come before the Council, and on the motion of Council Member Hamilton and seconded by Council Member Ross, and by consent of all members present, the meeting was adjourned at 7:07 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, August 14, 2023, 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