

September 11, 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, September 11, 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: NATHAN HAMILTON, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, VINCE INSALACO, III, and CHARLIE HIGHT (6/0). Council Member DEBI ROSS was absent. Council Member MAURICE TAYLOR arrived at 6:07 p.m. Chief Deputy City Clerk and Treasurer Katelyn Thomas, Deputy City Clerk/Revenue Enforcement Officer Jim Scott, and City Attorney Amy Fields were also present.

Mayor Hartwick asked those present to observe a moment of silence in observance of September 11, 2001, then led the pledge of allegiance.

On the motion of Council Member Hight 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, August 28, 2023, were approved, accepted and filed as prepared by City Clerk Diane Whitbey (6/0).

On the motion of Council Member Hamilton and seconded by Council Member Robinson, and by consent of all members present, communications #1, 2, 3, 4, 5, and 6, were accepted and filed (6/0).

1. Via US Mail – North Little Rock Municipal Property Owners' Multipurpose Improvement District No. 25 North Bluffs Project, aka Rockwater Village, The Gardens.
2. Anita Paul, Mayor's Office memorandum re: *application for Grocery Store Wine, Retail Beer off Premises, Small Farm Winery – retail permit – additional permits #41276* for Pike Avenue Convenience Store, 2300 Pike Avenue, by Baljit Kaur.
3. Via US Mail – Cypress Crossing Multipurpose Municipal Property Owners' Improvement District No 26.
4. Derrell Hartwick, President/CEO North Little Rock Chamber of Commerce – Economic Development Activity Report Q3 2023.
5. Derrell Hartwick, President/CEO North Little Rock Chamber of Commerce – North Little Rock Youth Leadership Overview.

- 6. Argenta Neighborhood Boosters – Petitions Opposed to additional Short Term Rentals in the Argenta area (58 signatures)

Mayor Hartwick announced a Special Call meeting.

September 8, 2023

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, September 11, 2023, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

R-23-192 – APPROPRIATING FUNDS FOR THE TULIP FARMS WASTEWATER PROJECT; AMENDING THE 2023 BUDGET FOR THE CITY OF NORTH LITTLE ROCK TO INCLUDE ADDITIONAL EXPENSES. Sponsored by 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-23-192 (RESOLUTION NO. 10638 – MAYOR HARTWICK)
A RESOLUTION APPROPRIATING FUNDS FOR THE TULIP FARMS WASTEWATER PROJECT; AMENDING THE 2023 BUDGET FOR THE CITY OF NORTH LITTLE ROCK TO INCLUDE ADDITIONAL EXPENSES; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Hight, and by consent of all members present, the resolution was adopted (6/0). (\$2,860,000.00 -- Dollar General and Lowes)

Council Member Taylor entered the council chambers at 6:07 p.m.

PRESENTATIONS

Mayor Hartwick invited Mr. Raul Fernandez, Executive Director Seis Puentes, Leticia Reta and students of the program to come forward. He presented the group a proclamation in observance of Hispanic Heritage Month (September 15 – October 15, 2023).

Mayor Hartwick invited Mr. Michael Clayton, North Little Rock Wastewater Director to come forward. Mr. Clayton reviewed a PowerPoint presentation regarding North Little Rock Wastewater (NLRWW). NLRWW has four treatment plants and have received several awards from a national organization for three of them. These included Platinum Awards for the Faulkner, Five Mile and White Oak Treatment plants. Each award represented five years of compliance for waste water treatment. NLRWW has a great team/staff who work together as professionals. Mr. Clayton reviewed a map of their service area which included several cities in central Arkansas, with about 725 miles of pipe maintained by NLRWW. Approximately 40 percent of their pipes are cleaned each year. Mr. Clayton said they also do a lot of water testing before and after cleaning. This includes working with a third party through the CDC (Centers for Disease Control) for the presence of viruses like COVID 19. NLRWW has a Solar Facility which allows them to receive credit from the power generated by the same. Mr. Clayton reminded the public not to put grease or flushable wipes down the drain. Grease clogs up the pipes and wipes are not bio-degradable.

UNFINISHED BUSINESS

O-23-64

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A TYPE 2 SHORT TERM RENTAL IN A PLANNED UNIT DEVELOPMENT (PUD) ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 605 ORANGE STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read and the readings were suspended on August 28, 2023. The item was called again this date. Mayor Hartwick asked if the applicants had met with neighborhood association leaders. Mr. Paul Kreth said they did meet but did not agree on the location of the rental. Ms. Stacy Pendergrast read from a prepared statement regarding their intended use of their property. Mr. John Pflasterer, President of the Argenta Neighborhood Boosters spoke on behalf of the association. Members are opposed to any new Short Term Rentals (STR) in the area. He referenced issues related to crime, absent landlords, etc. They want to protect the neighborhood and preserve its historic value. Mr. Pflasterer said zoning laws keep hotels out of residential neighborhoods. Argenta already exceeds one percent of allowed STRs in the neighborhood. Ms. Karen Bergh spoke in support of this application. She is a Market Analyst. North Little Rock (STR rentals) average \$147.00 per day per rental. Many of renters are working professionals who rent long-term. She said North Little Rock has a higher desirability score than the city of Little Rock. Council Member Hamilton is a downtown business owner and former resident of Argenta. He respects the position of the residents/neighbors. The current regulations prohibit any new STRs. Council Member Harris asked how many STRs are in the Argenta area at this time. On the motion of Council Member Taylor and seconded by Council Member Hamilton, and the roll having been called, and all members present having vote no, with the exception of Council Member Hamilton, who voted yes, the ordinance failed (1/6).

Mayor Hartwick recessed the meeting briefly. The meeting was reconvened at 6:38 p.m.

CONSENT AGENDA

By voice vote and all members present having voted “aye”, consent agenda items R-23-185, R-23-186, R-23-187 and R-23-188 were adopted (7/0).

R-23-185 (RESOLUTION NO. 10639 – 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-23-186 (RESOLUTION NO. 10640 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE NORTH LITTLE ROCK POLICE DEPARTMENT TO DONATE AN ALL-TERRAIN VEHICLE (ATV) TO THE CAMP ROBINSON POLICE DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (7/0).

R-23-187 (RESOLUTION NO. 10641 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE NORTH LITTLE ROCK POLICE DEPARTMENT TO DONATE TWO (2) USED VEHICLES TO THE ARKANSAS DEPARTMENT OF PUBLIC SAFETY FOR THE EMERGENCY VEHICLE OPERATIONS COURSE (EVOC) AT THE CENTRAL ARKANSAS LAW ENFORCEMENT TRAINING ACADEMY AT CAMP ROBINSON; AND FOR OTHER PURPOSES, was adopted (7/0).

R-23-188 (RESOLUTION NO. 10642 – MAYOR HARTWICK)

A RESOLUTION WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO RUSSELL CHEVROLET FOR THE PURCHASE OF A VEHICLE FOR THE NORTH LITTLE ROCK TRAFFIC DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (7/0). (\$53,804.00)

NEW BUSINESS

R-23-189 (RESOLUTION NO. 10643 – 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 1108 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 Taylor and seconded by Council Member Hamilton. 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). (\$4,926.29)

R-23-190 (RESOLUTION NO. 10644 – 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 2305 WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Taylor 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). (\$7,228.13)

R-23-191 (RESOLUTION NO. 10645 – 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 Taylor and seconded by Council Member Robinson. 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).

O-23-65

AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO INCLUDE DEFINITIONS, USES, RESTRICTIONS REGARDING TOBACCO AND VAPE STORES AND PRODUCTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read one time. City Attorney Fields provided Mayor Hartwick with a legal opinion regarding Vape versus Tobacco stores based on state law. Mayor Hartwick said when the previous ordinance was adopted, Vape/Tobacco stores were almost non-existent. Council Member Hight asked if a public hearing will be called. City Attorney Fields said the item is on the published agenda and the public is given the opportunity to attend the council meeting and speak on any item. Mayor Hartwick will ask the City Clerk to provide notice of a public hearing on this item. The legislation was then held.

O-23-66

AN ORDINANCE AMENDING ORDINANCE NO. 9559, WHICH ESTABLISHED A COMPREHENSIVE CODE TO REGULATE ISSUANCE OF, AND CONDITIONS ASSOCIATED WITH, SHORT-TERM RESIDENTIAL RENTAL BUSINESS LICENSES; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member Baxter, and by consent of all members present, the readings were suspended (7/0). Mr. Pflasterer spoke in support of the proposed ordinance and said it provided clear language. Mr. Don Chambers agreed with Mr. Pflasterer. He asked the council to consider a 60 day moratorium if this ordinance is not adopted this date. Mr. Shawn Spencer, Planning Director said new Short Term Rental applications have to go through the Planning Commission before being brought to the City Council. The deadline to apply ends in two-weeks. Mr. Spencer said the current legislation would limit the number of units to one per property. Council Member Baxter said several members of the City Council and residents attended hearings at the State Capitol regarding

STR legislation. Mayor Hartwick said this topic may come up in the 2025 Legislative Session. He encouraged residents to reach out to their council members with concerns. Mr. Bob Ragsdale asked where he could find the legislation. There being no additional discussion, the sponsor, Mayor Hartwick held the legislation.

O-23-67 (ORDINANCE NO. 9597 – MAYOR HARTWICK)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 9 MARTIN DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM R2 TO R3 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 (7/0). 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 adopted (7/0). Ms. Jacque Armstrong signed in to speak on this item. She owns property at 10 Martin Drive and was opposed to rezoning this property. The lots are long and narrow and there are single family homes on either side of 9 Martin Drive. She is concerned with the number of people and noise level if a duplex is allowed. There are water (drainage) issues in the area due to driveways at the top of the drive. The addition of more driveways will increase the problem. She is concerned the Church of Christ will sell the property in the future. She said she might consider moving back into the house in the future. Mr. A. R. Gardener is a member of the church. The church has been in the area for 70 years. They have built several duplexes in the area and are well maintained. Duplexes have been built to house senior members of their congregation. City Attorney Fields advised the previous vote should be expunged due to failure to have public comment. On the motion of Council Member Hight and seconded by Council Member Hamilton, and by consent of all members present, with the exception of Council Member Hight who voted no, the previous vote was expunged (6/1). On the motion of Council Member Hamilton and seconded by Council Member Taylor, and the roll having been called and all members having voted in the affirmative, with the exception of Council Member Hight who voted no, the ordinance was adopted (6/1). Emergency clause adopted (7/0). (*applicant: Levy Church of Christ*)

O-23-68 (ORDINANCE NO. 9598 – COUNCIL MEMBER ROBINSON)

AN ORDINANCE GRANTING A CONDITIONAL USE TO ALLOW OUTDOOR STORAGE IN AN I2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2901 HARRIS ROAD 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 (7/0). 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 adopted (7/0). Emergency clause adopted (7/0). (*applicant: Thomas Pownall – Thomas Engineering*)

O-23-69 (ORDINANCE NO. 9599 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE WAIVING SECTION 9.11 OF THE SUBDIVISION ORDINANCE (ORDINANCE NO. 7946) FOR CERTAIN REAL PROPERTY LOCATED AT 7901 HIGHWAY 70 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO ALLOW THE WAIVER OF SIDEWALK REQUIREMENTS; WAIVING CERTAIN SECTIONS OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO ALLOW THE WAIVER OF PARKING REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

On the motion of Council Member Baxter and seconded by Council Member Hamilton, and by consent of all members present, the readings were suspended (7/0). 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: *add waiver of half-street improvements – see handout provided this date* (7/0). Council Member Hight asked if the city had jurisdiction on State Highway. He then asked if an In-Lieu of fee was required. Mr. Spencer said the sponsor had the option of waiving the fee. He said the waiver would be on Rodgers Street. Council Member Hight made a motion to amend the ordinance to add an In-Lieu of fee. The motion failed for lack of a second. 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, the ordinance was adopted as amended (7/0). Emergency clause adopted (7/0). (*applicant: The Clifton Family LLLP*)

O-23-70 (ORDINANCE NO. 9600 – COUNCIL MEMBERS BAXTER AND HARRIS)

AN ORDINANCE WAIVING CERTAIN SECTIONS OF ARTICLE 15 OF THE SUBDIVISION ORDINANCE (ORDINANCE NO. 7946) FOR CERTAIN REAL PROPERTY LOCATED AT 5720 MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO ALLOW THE WAIVER OF IMPROVEMENT REQUIREMENTS; WAIVING CERTAIN SECTIONS OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO ALLOW THE WAIVER OF TREE REQUIREMENTS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read.

At the request of Council Member Baxter and without objection, Council Member Harris was added as a cosponsor. On the motion of Council Member Baxter and seconded by Council Member Robinson, and by consent of all members present, the readings were suspended (7/0). On the motion of Council Member Baxter and seconded by Council Member Harris, 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). (*applicant: Yansi Vasquez of S & J Renovations*)

O-23-71

AN ORDINANCE APPROVING FEE IN-LIEU OF SIDEWALK CONSTRUCTION FOR CERTAIN REAL PROPERTY LOCATED 7001 JOHN F. KENNEDY BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, PULASKI COUNTY, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and withdrawn by the sponsors, Council Members Insalaco, III and Hight.

O-23-72 (ORDINANCE NO. 9601 – 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; AUTHORIZING THE SALE OF THE BONDS AND THE APPROVAL OF BOND PURCHASE AGREEMENTS AND PAYMENT IN LIEU OF TAXES AGREEMENTS IN CONNECTION THEREWITH; AUTHORIZING THE EXECUTION AND DELIVERY OF A TRUST INDENTURE SECURING 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 Hamilton and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (7/0). A motion to adopt was made by Council Member Hamilton and seconded by Council Member Taylor. Mayor Hartwick convened a public hearing. Ms. Michelle Allgood, Mitchell, Williams Law Firm said this involves the old Ben E. Keith Property where Federal Metal will soon open. The company recycles copper and aluminum from radiators. There is no financial obligation to the city. There being no one present wishing to be heard the public hearing was adjourned. On the previous motion 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). *(not to exceed \$50 million)*

PUBLIC COMMENT

Ms. Mary Ann Conley lives on Theresa Drive. She spoke on behalf of her neighbors with homes that backup to the railroad tracks. She thanked Mr. Jim Scott for coming out to take pictures. There are 13 homes on the street. Seven of the residents are disabled and some in wheelchairs. Something needs to be done about the shrubs. Ms. Conley also provided a petition requesting assistance to get the area cleaned up.

There being no further business to come before the Council, and on the motion of Council Member Baxter and seconded by Council Member Hamilton, and by consent of all members present, the meeting was adjourned at 7:23 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, September 25, 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