

September 25, 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 25, 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, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, VINCE INSALACO, III, and CHARLIE HIGHT (6/0). Council Members NATHAN HAMILTON and MAURICE TAYLOR entered the Council Chambers after the meeting was convened (see notes below). City Clerk and Treasurer Diane Whitbey, Deputy City Clerk and Treasurer Talor Shinn, Deputy City Clerk/Enforcement Officer Jim Scott, and City Attorney Amy 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 held Monday, September 11, 2023, were approved, accepted and filed as prepared by City Clerk Diane Whitbey (6/0).

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

On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, communications #1, 2, 3 and 4, were accepted and filed (7/0).

1. C. Tad Bohannon, Chief Executive Officer Central Arkansas Water letter to Mayor Terry C. Hartwick re: Proposed Issuance of Water Revenue Bonds.
2. Stacie Henson, letter from Errol White re: Support of Short-Term Rental at 4426 Arlington Drive.
3. Ember Strange, North Little Rock Chief Finance Officer/Chair Energy Risk Management Committee memorandum to City Clerk Diane Whitbey re: Power Cost Adjustment (PCA) rate for October, 2023 \$0.0126 kWh (positive).
4. Stacie Henson, letter from Heath Land re: Support of Short-Term Rental at 4426 Arlington Drive.

Note: Council Member Hamilton entered the chambers at 6:02 p.m.

Mayor Hartwick announced a Special Call meeting scheduled for this date.

September 22, 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 25, 2023, at City Hall Council Chambers, North Little Rock, Arkansas. The following will be on the agenda:

O-23-80 Amending the Zoning Ordinance (Ordinance No. 9263) to include definitions, uses, and restrictions regarding retail establishments commonly known as “head shops.” Sponsor: Mayor Terry C. Hartwick.

Pursuant to North Little Rock Ordinance No. 9070, 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.

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. Please also remember that pursuant to Ordinance No. 9328, you can participate in this meeting remotely. If you would include in your reply whether you plan to attend the meeting remotely, that will help the City’s IT staff prepare for the meeting.

Respectfully,

Amy Beckman Fields
City Attorney

Special Call O-23-80 (ORDINANCE NO. 9602 – MAYOR HARTWICK)
AN ORDINANCE AMENDING THE ZONING ORDINANCE (ORDINANCE NO. 9263) TO INCLUDE DEFINITIONS, USES, RESTRICTIONS REGARDING RETAIL ESTABLISHMENTS COMMONLY KNOWN AS “HEAD SHOPS”; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hight and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (8/0). Mr. Thomas Lites has lived in Park Hill for 14 years. He thanked the city for their work on the Jump Start Initiative. He then spoke in support of the ordinance regulating “Head Shops”. City Attorney Fields reviewed the proposed ordinance. Head Shops are defined in the body of the ordinance as retail businesses which specialize in the sale of paraphernalia used for the consumption of tobacco, cannabis, herbs, including legal and illegal substances. She then reviewed the zones where they would be

allowed, not allowed or require a Special Use. There is also a restriction if located within 1,500 feet of a place of worship/church or public/private school. Council Member Ross said the Levy (C-L) and Park Hill (C-PH) Overlay Districts do not allow Special Uses. On the motion of Council Member Ross 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).

PRESENTATIONS

None.

UNFINISHED BUSINESS

O-23-65 (ORDINANCE NO. 9603 – MAYOR HARTWICK)

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 September 11, 2023. Mayor Hartwick convened a public hearing. Mr. David Larson owns Angry Dave’s Bicycles and serves as Vice President of the Park Hill Business Merchants Association. He has lived in Park Hill for 21 years and had his business there for over 10 years. He moved to the neighborhood because it was mostly established and quiet. The Merchants Association started because there were those who wanted to see the area return to a neat place to shop, eat, and enjoy. A Jump Start Grant was awarded with the intent to attract shops that will draw people to the area. In the past, an event called “Patio On Park Hill” was held and drew many new businesses to the area. He said a new “Vape” shop (3201 John F. Kennedy Boulevard) looked like something from a red light district in Amsterdam. Allowing the shop to locate and open in Park Hill is an insult to the business owners and undermines the intent of the Overlay Plan. Mr. Larson said based on the percentage of sales position, he could sell guns if it was less than half of his monthly sales. Mr. Lites agreed with Mr. Larson’s comments. He said he visited a couple of similar shops in Conway owned by the same business owner as the shop referenced by Mr. Larson. He said they are basically head shops and there were three within a five to ten minute drive. Ms. Arline Jackson agreed with Mr. Larson’s comments. She said Vape Shops are offering something that is killing children and this does not need to be located in their neighborhood. Mrs. Wendy Gregan’s husband, John, is the President of the Historic Park Hill Neighborhood Association but was unable to attend the meeting. Mrs. Gregan shared his comments. Over 50 people attended a Saturday emergency meeting to discuss the Smoke/Vape shop lighting and signage advertising a drive thru. She referenced content of the Overlay Plan regarding the same. She said the business (Smoke Shop) is doing things without asking for permission. Cigarettes, nicotine, and vapes are all the same; vapes are a nicotine delivery device. She asked that the business owner(s) be held accountable. Mr. Charles Page and his wife moved to the city five years ago. They have been looking forward to the Overlay Plan and the walkability it will bring to the area. Mr. Page said the shop is an eyesore and a danger to the community. Mr. Kevin Charton has lived in Park Hill 25 years. He has two properties across the street from the Smoke/Vape shop. The

(LED) lights reflect and are so bright they are distracting and he has to close his shades. They are brighter and more intense than any of the lights from other businesses in the area. Mr. Charton said he is a former juvenile court probation officer and said these types of shops provide a gateway drug opportunities. The LED lighting and signage needs to be toned down. Mr. Jerry Covan agreed with the comments about the lighting at the shop. He supported everything his neighbors said. He asked who would regulate the nicotine and sale of tobacco in these products. Cigarettes, vaping, etc. contain nicotine. There has been an increase in the use by middle and high school students. Mr. Covan said the products also contain nickel, tin and lead. Ms. Beth Seward lives in a home listed on the National Historic Register. The Smoke/Vape shop does not fit in to the historic neighborhood. Neighbors were surprised the business was allowed. She read from information from the FDA which defined a Vape Shop and identified vape products as a tobacco products. The lights and signage do not fit in the Park Hill neighborhood. Mr. Michael Meadors is a lifelong resident of North Little Rock and has lived in Park Hill 30 years. He spoke of the feel of the neighborhood and reiterated some of the previous comments. Mr. Robert Waters is a Board Member of the Merchants Association. He said this is a smoke shop, not a vape shop. The signage advertises cigars and smoking. Vape is not listed on the signage. Mayor Hartwick asked those present who agreed with previous comments to stand (approximately 30). There being no one else wishing to be heard, the public hearing was adjourned. Mayor Hartwick asked Planning Director Shawn Spencer to come forward and explain the process of opening a business in North Little Rock. Mr. Spencer said all business opening in the city must first obtain a zoning certificate (from the Planning Department) for the property. To do this, the owner/operator will go to the Planning Department and complete a form indicating the type of business. Staff will review the form to see if the business is allowed within the zone the property is located in. Regarding the referenced Smoke Shop in Park Hill, Mr. Spencer consulted with the City Attorney to see if there was a difference between a Vape Shop and a Tobacco Shop. After research, it was determined that (in the State of Arkansas) vape was not the same as tobacco. A zoning certificate was issued for retail vape shop. However, the owner operator did not apply for a sign permit. Mr. Spencer said a sign contractor stopped by the Planning Office this date but did not provide any drawings, etc. Mr. Spencer said the signs are not allowed at this time and need to come down. Mayor Hartwick asked about the existing (Stroman's) sign. Mr. Spencer said he could write a ticket which would result in a court date in November. A letter has been mailed and emailed to the applicant regarding the sign. Mayor Hartwick said the drive-thru is not legal (in the Overlay District). Mr. Spencer referenced various signs on the building, including a sign not facing the street. The applicant could move that one to the other sign. Mr. Spencer said staff issues permits for the size of a sign, but not the content. The city can also control the location. City Attorney Fields said the city has sign regulations but cannot regulate the content of a sign because of the First Amendment. The city can regulate the amount of illumination as well, but there are no such regulations (related to LED) lighting in place at this time (other than sign lighting). Ms. Fields said there are vape shops across the city. It is her job to protect the city from a legal standpoint. By state law, tobacco products and vape products are two different things. Mayor Hartwick said he asked for an Attorney General decision on the topic which concurred with Ms. Fields statement. This ordinance is to prevent/regulate vape shops in

overlay districts going forward. It does not include the property discussed by several speakers during public comment. She referenced the area of John F. Kennedy between “A” Street and “D” Street where there are several convenience stores which sell tobacco and vape products as an incidental use. City Attorney Fields said the City did not have the discretion to deny the application for a zoning certificate for the 3201 John F. Kennedy location. Mayor Hartwick said this ordinance will prevent this type of business going in the Park Hill Overlay area in the future. Council Member Hamilton asked about the definition of the products. City Attorney Fields said they are in line with state law. Council Member Ross said there are no regulations in the city regarding the lighting in the windows. Mr. Spencer said the only light measured is on a sign. Council Member Hamilton said this property was not at a level of nuisance for the city to be able to file a lawsuit. City Attorney Fields agreed and added that, if there was a level of criminal activity, the City could file a civil nuisance action. The City will monitor sales and the percentage of items allowed. Mr. Spencer said 51% of sales will have to be vape products to qualify as a vape shop. The ordinance was read a second time. On the motion of Council Member Taylor and seconded by Council Member Insalaco, III, and by consent of all members present, the remaining reading was suspended (8/0). A motion to adopt was made by Council Member Hamilton and seconded by Council Member Hight. Council Member Taylor reiterated the legislation before the council does not affect the building referred to as The Smoke Shop. 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).

O-23-66 (ORDINANCE NO. 9604 – MAYOR HARTWICK)

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 and the readings were suspended Monday, September 11, 2023. The ordinance was read again this date. A motion to adopt was made by Council Member Baxter and seconded by Council Member Taylor. Mr. John Pflasterer said he supports the amendment. It will provide clarity to the existing ordinance and prevent an excessive number of Short Term Rentals (STRs) in their neighborhood. There were about 20 residents in attendance who stood to show their support of the ordinance. Mrs. Stacy Pendercrast is a homeowner. She said STR renters engage in the same residential activities as long-term renters and homeowners. She added that STR renters are not likely to frequent a Vape Shop, not responsible for climbing property prices and not a cause of an increase in crime in a neighborhood. She asked the council to consider a vote that honors the rights of all residents. She asked the council to consider if a federal court would overrule the city’s restrictions on and individual and property rights. Mr. Paul Kreth questioned if this was constitutional. He is a property owner and has certain rights. He said the city council needs to represent all residents of the city, not just the Argenta area. City Attorney Fields said this legislation also clarifies what an STR Type 1 residence is. Council Member Ross said this ordinance covers the entire city, not just one area. Council Member Taylor said there are municipalities around the state that do not allow STRs at

all. Council Member Hamilton referenced previous comments about the condition of the Argenta area. Those conditions were caused by long-term rentals, not STRs. The city keeps adding regulations which is not protecting neighborhoods. Most other municipalities around the state do not ban STRs but cap the number allowed. North Little Rock is banning them in R1 and R2 and adding regulations. On the previous motion, and the roll having been called, and all members having voted in the affirmative, with the exception of Council Members Hamilton and Hight, who voted no, the ordinance was adopted (6/2). On the emergency clause, all members present voted in the affirmative, with the exception of Council Member Hamilton, who voted no, the emergency clause was adopted (7/1)

CONSENT AGENDA

By voice vote and all members present having voted “aye”, consent agenda items R-23-193, R-23-195, R-23-196, R-23-197 and R-23-198 were adopted (8/0). R-23-194 was pulled and called under new business.

R-23-193 (RESOLUTION NO. 10646 – MAYOR HARTWICK)

A RESOLUTION REPEALING RESOLUTION NO. 7402, WHICH CONDEMNED PROPERTY LOCATED AT 1516-1516 ½ PHYLLIS STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was adopted (8/0). (*owners: Bobby Anita Jenkins and Juanita Virginia Jenkins*)

R-23-195 (RESOLUTION NO. 10647 – MAYOR HARTWICK)

A RESOLUTION WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO MCLARTY FORD FOR THE PURCHASE OF A VEHICLE FOR THE NORTH LITTLE ROCK ELECTRIC DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$48,897.00*)

R-23-196 (RESOLUTION NO. 10648 – 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 SANITATION DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$47,704.00*)

R-23-197 (RESOLUTION NO. 10649 – MAYOR HARTWICK)

A RESOLUTION WAIVING FORMAL BIDDING REQUIREMENTS AND AUTHORIZING PAYMENT TO VOITH HYDRO, INC. FOR THE PURCHASE OF THE REPLACEMENT AND INSTALLATION OF UPGRADES TO THE GOVERNOR SYSTEM OF THE MURRAY HYDROELECTRIC PLANT; AND FOR OTHER PURPOSES, was adopted (8/0). (*\$142,438.00 – 2023 and \$550,000.00 – 2024*)

R-23-198 (RESOLUTION NO. 10650 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A LEASE AGREEMENT TO LEASE CERTAIN REAL PROPERTY LOCATED AT 204 AVIATION WAY IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM THE NORTH LITTLE ROCK AIRPORT COMMISSION; AND FOR OTHER PURPOSES, was adopted (8/0). *(to the North Little Rock Police Department – annual \$27,636.00)*

Note: Council Member Hamilton left the chamber at 7:07 p.m. He returned at 7:08 p.m.

NEW BUSINESS

R-23-194 (RESOLUTION NO. 10651 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN CITY-OWNED ITEMS AND OTHER EQUIPMENT LOCATED ON PROPERTY AT 120 MAIN STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, AS SURPLUS; PROVIDING FOR AUCTION THEREOF; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Ross and seconded by Council Member Baxter. On the motion of Council Member Ross and seconded by Council Member Baxter, and by consent of all members present, the resolution was amended as follows:: *Section 1: strike through GovDeals and insert AAA AUCTIONS & UNITED SURPLUS AUCTIONS* (8/0). 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 as amended (8/0).

R-23-199 (RESOLUTION NO. 10652 – COUNCIL MEMBERS BAXTER AND HARRIS)

A RESOLUTION ACCEPTING THE BID OF AND AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A CONTRACT WITH GENE SUMMERS CONTRACTING, INC. FOR 49TH STREET IMPROVEMENTS – PHASE 2 (DIVISION STREET TO PARKER STREET), IN THE AMOUNT OF \$470,487.00; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Baxter, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-23-200 (RESOLUTION NO. 10653 – COUNCIL MEMBER TAYLOR)

A RESOLUTION REPEALING RESOLUTION NO. 10554; AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A REAL ESTATE CONTRACT AND TO SELL CERTAIN REAL PROPERTY LOCATED ON RIVERFRONT DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO KAL MAKAN; 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). *(fka Greyhound Bus Station)*

R-23-201 (RESOLUTION NO. 10654 – COUNCIL MEMBER TAYLOR)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A REAL ESTATE CONTRACT AND TO SELL CERTAIN REAL PROPERTY LOCATED ON EAST

WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO KAL MAKAN; 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). (*fka Greyhound Bus Station – correct parcel number*)

R-23-202 (RESOLUTION NO. 10655 – MAYOR HARTWICK)

A RESOLUTION DECLARING TORNADO DEBRIS ON PRIVATE PROPERTY TO BE A THREAT TO LIFE, PUBLIC HEALTH AND SAFETY; AUTHORIZING THE REMOVAL OF DEBRIS FROM PRIVATE PROPERTY; AUTHORIZING THE MAYOR TO REQUEST ASSISTANCE FROM FEMA FOR PRIVATE PROPERTY DEBRIS REMOVAL; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Taylor and seconded by Council Member Hight. Council Member Ross asked if the city would receive a percentage (reimbursement) from FEMA. On the previous motion, and by consent of all members present, the resolution was unanimously adopted (8/0).

R-23-203

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AMENDED AGREEMENT TO REHABILITATE PROPERTY FOR CERTAIN REAL PROPERTY LOCATED AT 213 (219) CROCKETT STREET IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read and held by sponsor, Council Member Robinson.

Mayor Hartwick convened a public hearing on the following items:

R-23-204 – 705 East Bethany, R-23-205 – 1214 West Short 17th Street, R-23-206 – 506 Kay Street, R-23-207 – 1424 West 18th Street, R-23-208 – 2025 Parker Street.

There being no one present wishing to be heard, the public hearing was adjourned.

R-23-204 (RESOLUTION NO. 10656 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 705 EAST BETHANY ROAD IN THE CITY OF NORTH LITTLE ROCK TO CONSTITUTE A PUBLIC NUISANCE AND CONDEMNING SAID STRUCTURES; PROVIDING A PERIOD OF TIME FOR PROPERTY OWNER TO ABATE SAID NUISANCE; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the resolution was unanimously adopted (8/0). (*owner: Leonard Jackson*)

R-23-205 (RESOLUTION NO. 10657 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1214 WEST SHORT 17TH 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: iRemodel Holdings, LLC*)

R-23-206 (RESOLUTION NO. 10658 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 506 KAY 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: Andrew James Gasway*)

R-23-207 (RESOLUTION NO. 10659 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 1424 WEST 18TH 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: Albert Pointer*)

R-23-208 (RESOLUTION NO. 10660 – MAYOR HARTWICK)

A RESOLUTION DECLARING CERTAIN BUILDINGS, HOUSES AND OTHER STRUCTURES LOCATED AT 2025 PARKER 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 adopted (8/0).

R-23-209 (RESOLUTION NO. 10661 – 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 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 unanimously adopted (8/0).

O-23-73 (ORDINANCE NO. 9605 – COUNCIL MEMBER TAYLOR)

AN ORDINANCE AMENDING ORDINANCE NO. 9257 TO EXPAND THE BOUNDARIES OF THE ENTERTAINMENT DISTRICT KNOWN AS THE ARGENTA OUTDOOR DINING DISTRICT; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Hight, 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 Robinson, 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).

O-23-74 (ORDINANCE NO. 9606 – MAYOR HARTWICK *for consideration only*)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 14421 SADDLEWOOD DRIVE WITHIN THE PLANNING JURISDICTION OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM RT1 TO R2 ZONING CLASSIFICATION, BY AMENDING ORDINANCE NO. 9263; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Baxter and seconded by Council Member Taylor, and by consent of all members present, the readings were suspended (8/0). Mr. Spencer said RT1 is the zoning for a mobile or manufactured home neighborhood. The applicant, Ms. Candace Woodruff said they are in the process of buying an existing home on the property and wants to make sure the zoning is correct. On the motion of Council Member Baxter 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: Candace Woodruff*)

O-23-75 (ORDINANCE NO. 9607 – MAYOR HARTWICK *for consideration only*)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 14511 SADDLEWOOD DRIVE WITHIN THE PLANNING JURISDICTION OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM RT1 TO R2 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 Ross, and by consent of all members present, the readings were suspended (8/0). Mr. Spencer said the property previously had a mobile home. It needs to be rezoned for financing purposes. 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, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Jenny Moses*)

O-23-76 (ORDINANCE NO. 9608 – COUNCIL MEMBER ROSS)

AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 3201 HIGHWAY 161 IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM I2 TO I1 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). 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, the ordinance was unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Adam Jenkins of Moses Tucker Real Estate*)

O-23-77

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A TYPE 2 SHORT TERM RENTAL IN AN R1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 4426 ARLINGTON DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Council Member Hamilton.

O-23-78 (ORDINANCE NO. 9609 - -COUNCIL MEMBER ROBINSON)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A DAYCARE CENTER IN A C2 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 700 BEECH 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). 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 unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Stevie Brewer, Jr.*)

O-23-79

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW YOUTH MENTORING IN AN R3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2001 PARKER 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 Hight 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. The applicant, Mr. Anthony Pettigrew was present. Council Member Ross asked about the hours of operation. Mr. Pettigrew said the time was adjustable and business hours could vary. He also owns the property. Council Member Ross asked what kind of youth activities would last until 11:00 p.m. Mr. Pettigrew said the hours in the legislation were not correct. They will provide youth social and emotional assistance. Mr. Pettigrew asked to change the hours to 7:00 a.m. until 6:00 p.m. On the motion of Council Member Taylor and seconded by Council Member Ross, and by consent of all members present, with the exception of Council Member Robinson who voted no, the ordinance was amended as follows: *Section 2: 1. Hours of operation 7:00 a.m. to ~~11:00~~ 6:00 p.m. daily (7/1)*. Council Member Taylor said Mr. Pettigrew had owned the building for some time. A daycare was operated at the location in the past. Council Member Taylor recalled issues with the Fire Department and DHS (Department of Human Services). Mr. Pettigrew said the building was in better shape and would pass

a fire inspection. He said there was an inspection November 15, 2022. Council Member Taylor asked if there was a process Mr. Pettigrew would have to go through since there would be children in the facility. Mr. Spencer said DHS is not involved so that process would not be followed. An inspection (by the city) would have to be done before the business could operate. Council Member Baxter referenced discussion during the Planning Commission meeting regarding parking. Mr. Spencer said the Fire Marshal will inspect the building and determine the number of people it will hold. That number will determine the number of parking spots required on the property. On street parking would not count or be allowed in the count. Council Member Baxter asked Mr. Pettigrew if the program was in conjunction with a faith-based organization. Mr. Pettigrew said he would be running the program. Council Member Ross asked about a business plan and how many people would be mentored under the program. Council Member Taylor said there are churches and other places where this type program could be held. Those places would have parking, etc. Council Member Hamilton asked if the youth would be (paid) clients or if it is a volunteer program. Mr. Pettigrew said he has a 501c3 – Sharing Love Outreach. The youth would range from age 8 and above. Sessions would include music, sectional learning, etc. Council Member Taylor suggested Mr. Pettigrew come back to the council with a plan. Council Member Robinson said this sounds like a daycare without any safeguards in place. Children are vulnerable. Council Member Taylor asked where funding will come from, who are the mentors and where the target participants will come from. Mr. Pettigrew said he would have his attorney answer questions. The item was then held by the sponsor *for consideration only* Mayor Hartwick. (*applicant: Anthony Pettigrew*)

PUBLIC COMMENT

Mr. Kent Walker said he has talked to City Attorney Fields about the issue at the Smoke Shop in Park Hill. He said the FDA (Food and Drug Administration) which is the Supreme Arbiter for all tobacco products in the country considers vape to be a tobacco product. The FDA has allocated the State Tax Code which does have a different tax structure for vape which is a liquid and cigarettes which are tobacco products. Mr. Walker said as a lawyer he interprets the law. He said Walker said the (Arkansas) Municipal League told him retail and tobacco products are the decision of the city. The products (vape/tobacco) could go in either category and neither is wrong. There is no case (law) in Arkansas or nationally regarding this topic. Mr. Walker asked council members to be open. He said the people in Park Hill will be back with alternatives. To say nothing can be done is not the answer and reminded the council people are watching. Mr. Walker said Mr. Spencer referenced the third week in November, but thought he meant the third week in October and asked for clarification. Mr. Larson asked about the placement of the building (Tobacco Shop) and referenced what he was told when he opened his business. Ms. Cassandra Williamson said she is having housing issues at her apartment complex (10831 Richsmith Lane) which is located in the city. She has been told her rent hasn't been paid but she has receipts. She has been over charged as well. She is disabled and feels like she is being treated unfairly. The complex is known as The Peaks at Maumelle. Mayor Hartwick said he will reach out to Ms. Belinda Snow with the North Little Rock Housing Authority. Council Member

Taylor suggested Ms. Williamson reach out to the Arkansas Fair Housing Commission regarding issues with regarding to her disability. Council Member Ross said the (US) Government is again supp

There being no further business to come before the Council, and on the motion of Council Member and seconded by Council Member, and by consent of all members present, the meeting was adjourned at 7:52 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, October 9, 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