

October 9, 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, October 9, 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, VINCE INSALACO, III, and CHARLIE HIGHT (8/0). Chief Deputy City Clerk and Treasurer Katelyn Thomas, Deputy City Clerk/Enforcement Officer Jim Scott, and Deputy City Attorney Rick Hogan Fields were also present.

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

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 25, 2023, were approved, accepted, and filed as prepared by City Clerk Diane Whitbey (8/0).

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

1. Council Member Hight, email to City Clerk Diane Whitbey re: support of Short Term Rentals and Bed and Breakfasts in the city.

PRESENTATIONS

None.

UNFINISHED BUSINESS

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.

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-23-79

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 again this date. The legislation was amended and a motion to adopt as amended was made on September 25, 2023. Mayor Hartwick asked if the applicant, Mr. Anthony Pettigrew had received the list of questions from the previous meeting and if he had answers to those questions. Mr. Pettigrew said he did. Ms. Mary Porter said she is an advocate for Sharing Love Outreach, Incorporated and referenced a packet Mr. Pettigrew had for council members. Mr. Pettigrew then distributed the packets to council members (*note: Mr. Pettigrew collected the packets from council members during a recess called later in the meeting, see below*). Ms. Porter said all people have a desire to receive and give love which is the foundation of their outreach. This is a youth mentoring opportunity for youth ages 8 years and older. Mentors provide the fundamentals of science, literacy, and mathematics along with social and emotional skills. The intent is to build community by serving the students and also the families or caregivers. As a parent, she considered herself and her husband informed and involved. The majority of parents love their children and want to provide for them, however, some need help. Mayor Hartwick said the hours of operation were amended to 7:00 a.m. until 6:00 p.m. He asked if the requirements of the North Little Rock Fire Marshal (occupancy number) were met. Chief Fire Marshal Brent Almon said he did perform a fire inspection. Based on the use and size of the facilities 92 (total) occupants would be allowed. Mr. Shawn Spencer, Planning Director said he had not received a drawing or site plan. The number of parking spots required based on the number of occupants (92) would be 20 (on site). Currently there are five (5). The applicant would not be able to receive a business license until the planning department signs off on the requirements/conditions. Mr. Pettigrew said he turned in a site plan to Donna (James) in the planning department. Mr. Spencer said the submitted plan will need to be revised to show the additional parking spots. Council Member Taylor referenced page 7 of the packet Mr. Pettigrew submitted. Capacity and participant numbers indicate a minimum of 12 youth mentees with a maximum of 25 with a staffing ratio of three (3) adult mentors per day. This total is 28. Chief Almon described the occupancy load and used a mercantile (store) as an example. When a calculation is made it is not known the number of shoppers that would be in the store. He referenced a chart in the building code that determines the number of persons per square foot. The site (2001 Parker) included 300 square feet of office space which would allow three (3) occupants, 364 square feet at 50 persons would be a total of eight (8) occupants (in the activity space), one kitchen and three (3) baths equals four (4) occupants, 1,525 square feet of classroom space at 20 square feet per occupant which would be 77. (Total square

feet based on above numbers 2,189). Council Member Hamilton asked if parking would be required for the 28 staff members included in the packet or if they are included in the total provided by the Fire Marshal of 92. Mr. Spencer said planning doesn't look at the use but the amount of space. If this property were sold, the new owner could have 92 occupants (based on the same use for the same space). Council Member Robinson said she reviewed the packet. She asked about the hours of operation and asked if the program would be going on while school was in session. Mr. Pettigrew said it would be when school is out. Council Member Robinson asked if it would be during the summer months only or year round. Mr. Pettigrew said the program would be through the school year (or year round). Council Member Robinson said it looked like a daycare. She then asked if this was a church. Mr. Pettigrew said he has a ministry. Council Member Robinson said a daycare would include some oversight through the state. This plan doesn't include any oversight. She is concerned for vulnerable children. Council Member Hamilton agreed with most of what Council Member Robinson stated. The comments in the package Mr. Pettigrew submitted seem to be good. However, there are things not included like compliance with state regulations for the operation of a daycare. Council Member Taylor said the business is not a daycare. He referred to an illustration of the site and the lack of space for parking. He asked what the cost would be for an individual to participate in the program. Mr. Pettigrew said the majority of the slots would be funded by donations, therefore, those participants would not pay anything. Council Member Ross said Mr. Pettigrew referenced donations for a majority of the participants. She asked if others would have to pay something. Mr. Pettigrew then said the program would be free to all participants. Council Member Ross asked about the minimum number of three (3) mentors. Mr. Pettigrew said administrative hours would be 7:00 a.m. to 6:00 p.m. Children would attend after school was out which is when the mentors would be onsite. Council Member Taylor asked if the mentors were volunteers or paid staff. Mr. Pettigrew said they would be paid. Council Member Robinson admired the program concept which is needed. Her concern was there were no safety plans or oversight in place for participants. She then asked if Mr. Pettigrew talked with people in the community. He said he did so daily. Council Member Ross asked if he received any government funding. Mr. Pettigrew said he did not. Council Member Hamilton said he didn't see how there could be 20 parking spots on the site as provided without removing part of the building. He asked Mr. Spencer if the required number of parking spots cannot be met, would Mr. Pettigrew be able to get a license. Mr. Spencer said they would not be able to get a business license unless they were able to meet the parking requirement based on the proposed use. Parking is based on it being an educational facility. Fire Marshal Almon said the building is approximately 2,400 square feet with 1,525 feet used for classroom space. He referenced the building code that broke down uses by different types of classroom use like vocational versus educational. Different space use (like an office) would have a different load rate. This site has two (2) bathrooms in the building (1 with 1 stall, 2nd with 2 stalls), one would be for staff and the other for students. Council Member Robinson asked Mr. Pettigrew to provide information about drop-off and pick-up at the next meeting. Council Member Taylor asked for information on how this will be a viable program (funding). He also asked if teenage participants drive to the program, would there be adequate parking. Council Member Ross asked if the legislation could be held to allow time to read over the packet provided during the meeting. Mayor

Hartwick asked Mr. Pettigrew if he wanted him to hold the item until the next meeting. Mr. Pettigrew said the Mayor could email him when he is ready to call it. Mayor Hartwick advised Mr. Pettigrew he would hold it until the next meeting. Mayor Hartwick then held the legislation.

CONSENT AGENDA

By voice vote and all members present having voted “aye”, consent agenda items R-23-210, R-23-211, R-23-212, R-23-213, R-23-214 and R-23-215 were adopted (8/0). R-23-216 was pulled and called under new business.

R-23-210 (RESOLUTION NO. 10662 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE NORTH LITTLE ROCK POLICE DEPARTMENT TO DONATE TWO (2) USED HANDHELD RADAR UNITS TO THE PLEASANT PLAINS POLICE DEPARTMENT; AND FOR OTHER PURPOSES, was adopted (8/0).

R-23-211 (RESOLUTION NO. 10663 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE A REAL ESTATE CONTRACT TO SELL CERTAIN REAL PROPERTY LOCATED AT 6550 MACARTHUR DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO ROGELIO PICHARDO AND ELIZABETH PAOLO SERVIN MEDINA; AND FOR OTHER PURPOSES, was adopted (8/0). (*amount: \$159,000.00*)

R-23-212 (RESOLUTION NO. 10664 – MAYOR HARTWICK)

A RESOLUTION AMENDING THE 2023 BUDGET FOR THE CITY OF NORTH LITTLE ROCK TO INCLUDE ADDITIONAL EXPENSES IN CERTAIN BUDGETS; AND FOR OTHER PURPOSES, was adopted (8/0). (*General Fund - \$1.5 million*)

R-23-213 (RESOLUTION NO. 10665 – MAYOR HARTWICK)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO PURCHASE CERTAIN REAL PROPERTY LOCATED AT 200 EAST WASHINGTON AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM LARRY D. ROBINSON AND CAROL D. ROBINSON; AND FOR OTHER PURPOSES, was adopted (8/0). (*amount - \$1.5 million*)

R-23-214 (RESOLUTION NO. 10666 – MAYOR HARTWICK)

A RESOLUTION AMENDING THE 2023 BUDGET FOR THE CITY OF NORTH LITTLE ROCK TO INCLUDE ADDITIONAL EXPENSES IN CERTAIN BUDGETS; AND FOR OTHER PURPOSES, was adopted (8/0). (*Parks - \$1.875 million*)

R-23-215 (RESOLUTION NO. 10667 – MAYOR HARTWICK)

A RESOLUTION APPROVING A CHANGE ORDER AND AUTHORIZING PAYMENT TO REDSTONE CONSTRUCTION GROUP, INC. FOR BURNS PARK PAVEMENT REPAIRS IN

THE CITY OF NORTH LITTLE ROCK, ARKANSAS; AND FOR OTHER PURPOSES, was adopted (8/0).

NEW BUSINESS

R-23-216

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO AN AGREEMENT TO REHABILITATE PROPERTY FOR CERTAIN REAL PROPERTY LOCATED AT 214 WEST 14TH STREET IN THE CITY OF NORTH LITTLE ROCK AND FOR OTHER PURPOSES, was read. The owner, Bruce Tate was not present. At the request of Council Member Ross, Mayor Hartwick held the legislation.

At the request of Council Member Ross, O-23-84 and O-23-85 were called out of order.

O-23-84

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A BED AND BREAKFAST IN AN R4 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 3900 MONTICELLO DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; 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). Mayor Hartwick convened a public hearing. Mr. Rick DelDonno spoke in opposition of the legislation. He said the county has the property listed as R1 zone. He said a residential district promotes residential living. A Bed and Breakfast is a business which is non-residential in nature. Conditional Uses are permitted with Planning Commission Review and Approval. The (North Little Rock) Planning Commission considered the item in September and denied the application. Parking is an issue at this location. Rules for Short-Term Rentals require two (2) parking places. Mr. DelDonno said renters are not parking in the off street parking spaces, which are the drive-way. If there are multiple guests parking on the street there could be a vision/safety issue at the corner. He said there are a lot of vague rules for these type businesses. The owners keep up their property. However, this type of use will set a precedent for future requests. Mr. Spencer said the area is zoned R-4. Mr. Jim Edwards said there were a number of people present who did not support the legislation. Mr. Brent and Mrs. Ashley Wright were concerned about the 200-foot notification radius. They learned about this after the fact. Mrs. Wright said she knocked on doors and made phone calls to other residents in the area. They are also opposed to a four-foot sign on the property. Mr. Evan Blake is the Executive Director for the LPOA (Lakewood Property Owners Association) which includes this location. He also spoke for the Lakewood Property Owners Improvement District. He received dozens of phone calls in opposition to this legislation. He runs a small business and does appreciate what the applicants are trying to do. The neighborhood is not zoned for commercial uses. This is not the same as a Short-Term Rental. There are also a lot of people who did not attend this meeting that are opposed to the legislation. Mayor Hartwick asked those present in support of or against the proposed ordinance to stand. 13 people stood in opposition to the legislation. None stood in support. Applicant Susan Ridgel said they currently

operate a Short Term Rental at their home and want the opportunity to run a business there. They moved to Arkansas from out of state hoping for a new adventure in life. She thanked those who have supported their dream which is the Bed and Breakfast. Mrs. Ridgel said she and her husband (Antonio) have been harassed by their neighbors and do not feel safe in the neighborhood and that they were an interracial couple. Following her comments, she asked to pull the legislation and said they are ashamed of the people in the city and their lack of support. They will be moving and will provide their business and support to another community. There being no one else wishing to be heard, the public hearing was adjourned. Council Member Hight withdrew the legislation. Council Member Ross made comments, but due to technical issues they were not audible or recorded. (*applicants: Antonio and Susan Ridgel*)

Council Member Hight requested a brief recess.

After a three minutes recess, Mayor Hartwick reconvened the meeting. *Note: Council Members Robinson and Hight had not returned to the chambers.*

O-23-85 (ORDINANCE NO. 9610 – COUNCIL MEMBER HAMILTON)

AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW THE CONTINUATION OF A TYPE 2 SHORT TERM RENTAL IN AN R1 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 118 EAST A AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Hamilton and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (8/0). Mayor Hartwick convened a public hearing. Mr. John Kresse spoke in support of the application. He is a longtime North Little Rock resident. He lives next to this property. He doesn't want a nuisance property next door. This is a tiny property rented by traveling nurses and others. He suggested tearing down the Hilltop Inn. Ms. Pam Bradford lives on the other side of the property and supports the application. She said they would not have known there was a Short Term Rental there if the owner had not told them. There have never been any issues. Mr. David Kresse is opposed to the application. He is pro-business and a lifelong resident of the city. He was concerned about the number of them operating. Mayor Hartwick said there is a distance restriction (1,500 feet) between Short Term Rental (STR) locations. Council Member Ross said they are not allowed in R1 or R2 zones. Those currently coming before the council were preexisting prior to the adoption of the STR ordinance. October (2023) is the deadline to make application. There being no one else present wishing to be heard, the public hearing was adjourned. Council Member Ross said Mr. Kevin Charton who is also a neighbor could not be at the meeting however, he does support this application and referenced in a message to her it is nice to have the property near his home for visiting guests. Council Member Hamilton referenced the Monticello House application which was withdrawn (see O-23-84). There were differences between that application and this one as it was in the middle of a neighborhood street. This location is 20 feet from one of the busiest commercial intersections in the city. There was no support for the location on Monticello. This one has support and has been operating seven (7) years

with no complaints of any kind. There are benefits to STRs in the city within regulations adopted by the council. On the motion of Council Member Hamilton and seconded by Council Member Taylor, and by 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: Tyler and Ashley Henderson*)

Mayor Hartwick asked if Mr. Mike Vazquez was present. Mr. Vazquez had signed up to speak regarding R-23-211 (which was adopted under the Consent Agenda). Mr. Vazquez said there was a property for sale (see R-23-211 – 6550 MacArthur Drive) that he made an offer on to Mr. Robert Birch. Mayor Hartwick said this is the old Fire Station property on MacArthur. There were three (3) offers made on the property.

R-23-217 (RESOLUTION NO. 10668 – 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 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).

O-23-81 (ORDINANCE NO. 9611 – MAYOR HARTWICK)

AN ORDINANCE LEVYING A TAX ON ALL REAL AND PERSONAL PROPERTY WITHIN THE CITY OF NORTH LITTLE ROCK FOR THE POLICE PENSION AND RELIEF FUND, THE FIRE PENSION AND RELIEF FUND, THE MUNICIPAL LIBRARY FUND, AND THE NORTH LITTLE ROCK GENERAL FUND; DECLARING AN EMERGENCY; 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 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). Mayor Hartwick said this is not a new tax, it is required that such property tax be annually renewed by city ordinance. (*annual – 1 mil - Police Pension and Relief Fund, 1 mill - Fire Pension and Relief Fund, 1 mill - Library Fund, 3 mills - General Fund = 10.0 mills total*)

O-23-82 (ORDINANCE NO. 9612 – COUNCIL MEMBERS BAXTER AND HARRIS)

AN ORDINANCE WAIVING CERTAIN SECTIONS OF ARTICLE 7 OF THE ZONING ORDINANCE (ORDINANCE NO. 9263) FOR CERTAIN REAL PROPERTY LOCATED AT 5220 NORTHSORE DRIVE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, TO ALLOW

THE WAIVER OF SCREENING AND BUFFERING REQUIREMENTS ALONG THE WESTERN PERIMETER OF THE PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Harris and seconded by Council Member Baxter, and by consent of all members present, the readings were suspended (8/0). 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 unanimously adopted (8/0). Emergency clause unanimously adopted (8/0). (*applicant: Brian Dale of Joe White & Associates*)

O-23-83 (ORDINANCE NO. 9613 – COUNCIL MEMBERS TAYLOR AND ROBINSON) AN ORDINANCE REZONING CERTAIN PROPERTY LOCATED AT 1218 ROCKWATER BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS, FROM RU TO R3 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 Robinson, 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 Baxter, 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: Thomas Pownall of Thomas Engineering*)

PUBLIC COMMENT

Ms. Rhonda Hayes lives on College Park Drive in Ward 1. She has an ongoing issue with water under her house. She has talked to Council Member Ross in the past. There is a busted city drain pipe under her house. Water is sometimes knee deep. The result is her house has shifted, her roof and floors are falling in. There is also a mildew problem. This issue has been ongoing for six (6) years. Her house is paid for but she does not have the funds for the needed repairs. She has called the Street Department in the past. She called in the past to apply for a grant (Community Development Block Grant - CDBG). Council Member Ross said there is a CDBG Street/Drainage project that will start soon. This does not cover her personal home. Ms. Hattie Temple lives on North Locust (East Gate Apartments). She spoke for residents at 2301 Division (fka Heritage House). Work done by the owners was substandard. The ceiling was painted in a room on the 11th floor but mold is bleeding through. Water has been leaking in the basement for 18 years. She said the building is tilting in the back. Ms. Temple said she gave telephone numbers to a representative at the Mayor's request. Ms. Temple said Holly Knight (fka BGC) owns the property. Every six months they change management. Each time there is a management change, tenants are required to fill out a new lease. Her lease is through the Housing Authority. Mayor Hartwick said he would visit with the Director of Code Enforcement (Felicia McHenry) regarding Ms. Temple's concerns. Mayor Hartwick advised a Celebration of Life for former Mayor Patrick Henry Hays will be held Thursday, October 18, 2023, at 3:00 p.m. at the First Pentecostal Church. He asked everyone to keep the family in their prayers.

There being no further business to come before the Council, and on the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the meeting was adjourned at 7:17 p.m. (8/0), until the next regularly scheduled meeting to be held on Monday, October 23, 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