

July 9, 2018
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 9, 2018, was called to order at 6:00 p.m. by the Honorable Mayor Joe A. Smith.

The roll having been called and the following Council Members answered to their names: DEBI ROSS, BETH WHITE, LINDA ROBINSON, STEVE BAXTER, RON HARRIS, and MURRY WITCHER (6/0). Council Member MAURICE TAYLOR was not present during roll call. Council Member STEVE BAXTER was absent. City Clerk Diane Whitbey, Deputy City Clerk/Revenue Officer Shannon Carroll and City Attorney Amy Fields were also present.

The prayer and pledge of allegiance were led by Council Member Robinson.

On the motion of Council Member Witcher and seconded by Council Member Hight and by consent of all members present, the minutes from the North Little Rock City Council meeting held on Monday, June 25, 2018, and a Special Call meeting held on Monday, July 2, 2018 were approved, accepted and filed as prepared by the City Clerk (7/0).

On the motion of Council Member Ross and seconded by Council Member Witcher, and by consent of all members present, communication #1 was read by title only, accepted and filed (6/0).

1. Open House Public Hearing Notice and Letter from Arkansas Department of Transportation re: Location and Design to present and discuss the Environmental Assessment and proposed design plans to improve I-30 in Little Rock and North Little Rock between I-40 and I-530 including the Arkansas River Bridge – Thursday, July 12, 2018, from 4 to 7 p.m. at the Wyndham Riverfront (Hotel) – Silver City Rooms, #2 Riverfront Place, North Little Rock.

On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, communication #2 was read by title only, accepted and filed (6/0).

2. C. Jason Carter, Attorney at Law – memorandum re: Risk Management Committee Quarterly Report (Q1, FY18).

Mr. Carter advised this is a summary of committee activities for the first quarter (2018). The committee was on target regarding specific risk areas, including peak power times, capacity purchases and management of financial transmission rights.

On the motion of Council Member Witcher and seconded by Council Member Ross, and by consent of all members present, communication #3 was read by title only, accepted and filed (6/0).

3. Central Arkansas Water 2017 Popular Annual Financial Report.
Council Member White advised Mr. Doug Shackelford, Director of Public Affairs and Communications for Central Arkansas Water was present to answer questions.

On the motion of Council Member Witcher and seconded by Council Member Ross, and by consent of all members present, communication #4 was read by title only, accepted and filed (6/0).

4. Karen Scott, Finance Director/Chair Energy Risk Management Committee memorandum re: Energy Cost Recovery Rider Adjustment Factor for July, 2018 [.0001/kwh (positive)].

Council Member Taylor entered the council chambers at 6:06 p.m.

Mayor Smith announced citizen public comment on legislation. Mr. Douglas Braswell owns Braswell and Son Pawn Brokers which has been in business in central Arkansas for almost 40 years. They have worked hard to be known as a place to meet short-term financial needs, a place to find quality goods at good prices (85% of their sales are from vintage jewelry and vintage luxury handbags), they feature a beautiful store with an inviting atmosphere, and do not deal with firearms. Braswell and Son has been recognized by Arkansas Business as a great place to work for the past three years and has an active partnership with a number of non-profit (organizations) in the communities where they operate. Mrs. Melanie Hoggard lives in North Little Rock and owns two businesses in the city. She spoke in support of O-18-59. Braswell and Son is not typical of an "old school" pawn shop. She encouraged people to visit them. Sometimes people need a place to go for short-term financial assistance. Braswell and Son treats their customers with dignity, respect and privacy. Mrs. Hoggard said she would be happy to have her businesses located in the same shopping center. Mr. Gregg Mueller, with The Ashley Group is the landlord for this location (Indian Hills Shopping Center). The Ashley Group does not lease to another prototypical pawn shop in any of their other 20 shopping centers. However, they looked at and liked the way Braswell and Son operates their business and how they fit in. Mr. Brent West is the Director of Operations for Braswell and Son. He said they look forward to opening in North Little Rock and asked for a favorable vote. Mr. Jesse Harris has been a customer of Braswell and Son for five years and has always been treated with respect when he comes in. Mr. Hank Klein spoke against O-18-59. Pawn Shops charge high interest rates to their customers. The rate is 17% plus 25% per month for an annual rate of 317%. He considers this predatory and compared it to Payday Lenders. Mr. Klein said he has shopped at the Kroger Store in the shopping center and has seen businesses thrive. He also expressed concern for Wirts Jewelers which converted an old bank building in the same shopping center into a store and said the reduced price of jewelry from the Pawn Shop would affect their sales. Mr. Bill Sowell has lived in North Little Rock 55 years. He raised his family here. His business is located in North Little Rock and he has been involved in the community. He has a vested interest in the future and success of the city. Mr. Sowell said this business will bring value and jobs to our community. Mr. Jimmy Ard spoke regarding O-18-60. He is not opposed to the legislation, but said people have not had the opportunity to speak on this item. He asked the council to hold the legislation. Mr. Ard said there are (water) wells on the property and asked if those would be

filled. There are concerns regarding drainage as well. Mr. Ard asked about Zero Tolerance Lot Line which he said allows building up to the (property) line. Ms. Cathy Montgomery asked about the size of the homes and referenced 700 square feet. She also asked about Zero Lot Lines. She lives behind the proposed development. Two entrances have been proposed: one from Division Street and one from West 52nd Street. Ms. Montgomery asked if a buffer could be included and suggested a wooden fence. She said they bought their home 22 years ago because it was in a quiet location. They are concerned about noise and trash. Ms. Montgomery added that workers are parking on both sides of Division. An emergency vehicle would not be able to make it down the street if needed. She has neighbors with health issues which include a cancer patient and someone with Diabetes and Epilepsy. Ms. Montgomery said the property was cleared without a permit and a silt fence was not put in to prevent erosion. Ms. Montgomery also asked if there was a check list to be used when property is developed. Mayor Smith asked Ms. Montgomery to visit with North Little Rock Planning Director Shawn Spencer. Former North Little Rock Mayor Patrick Henry Hays spoke in support of O-18-60 and said this project will put “heads in beds” in the city. North Little Rock is landlocked to some extent by other jurisdictions. This is a great project that will provide 1,100 to 1,200 square foot affordable homes and will add a lot to the neighborhood. Mayor Hays thanked Council Members Baxter and Harris for their support. Mr. Butch Penney and J. M. Cratz (inaudible) are both builders and have partnered on this project. The homes will range from 1,000 to 1,400 square feet and average three bedrooms, two bathrooms and a garage. Council Member Ross asked the price of the homes. Mr. Penney said they would be around \$125,000.00, which will be dependent on the finishes used.

Without objection, O-18-59 and 60 were pulled.

O-18-60 (ORDINANCE NO. 9025 – COUNCIL MEMBERS HARRIS AND BAXTER)
AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED AT THE NORTHEAST CORNER OF DIVISION STREET AND WEST 52ND STREET IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 AND R-3 TO R-0 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher and seconded by Council Member Hight, and by consent of all members present, the readings were suspended (7/0). On the motion of Council Member Witcher and seconded by Council Member Hight, 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: Butch Penney*)

O-18-59 (ORDINANCE NO. 9026 – COUNCIL MEMBER WITCHER)
AN ORDINANCE GRANTING A CONDITIONAL *SPECIAL USE* TO ALLOW A PAWN SHOP IN A C-3 ZONE FOR CERTAIN REAL PRORERTY LOCATED AT 7117 JOHN F. KENNEDY BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher, and seconded by Council Member Hight, and by consent of all members present, the readings

were suspended (7/0). A motion to adopt was made by Council Member Taylor and seconded by Council Member Robinson. Council Member Ross said a Conditional Use stays with the property and a Special Use stays with the applicant. As such, she recommended amending the legislation to a Special Use. If a Conditional Use is adopted, another Pawn Shop could come in at a future date. Mayor Smith asked Mr. Spencer why a Conditional Use was requested versus a Special Use. Mr. Spencer said the Zoning Ordinance indicates Pawn Shops in that zone would fall under a Conditional Use. However, the request can be downgraded to a Special Use. Council Member Witcher said this passed the Planning Commission (9/0) as a Conditional Use following extensive discussion. He referenced the Lease-Hold Interest in the property and the difference in value. Braswell and Son is a significant operation. He referenced the effect of the business being sold in the future or passed on to the son and the financial impact of the same. Council Member Ross asked if the Special Use could be passed on to a family member. City Attorney Fields said Braswell and Son (Troy and Douglas Braswell) is a legal entity. If the father retired from the business, the business entity would remain with the business. Council Member Ross received a lot of calls from people with issues related to the proposed business and Conditional Use, but were agreeable to a Special Use. Council Member Ross made a motion, which was seconded by Council Member Taylor to amend the legislation as follows: *remove Conditional Use* and insert SPECIAL USE. Council Member Taylor said Special Use is used a lot on East Broadway with regard to Car Lots. This gives the council the opportunity to vet or review new business owners/operators, see how they will operate, etc. Mr. Braswell said he understood there was a difference (between a Conditional Use and a Special Use) but was not sure of the ramifications. His intent is to operate at the location for 40 years as Braswell and Son. Council Member Taylor said if Mr. Braswell sold the business to another individual or agency, a Conditional Use would stay with the property (land), a Special Use would stay with the owner or entity. Mr. Mueller said the question for him would be if the lease was assignable or not. Under the lease agreement (with The Ashley Group) he would have the right to assign it to another entity. However, the type of use could override the lease. On the previous motion to amend, and by consent of all members present with the exception of Council Members Hight and Witcher, who voted no, the motion was adopted (5/2). Mayor Smith asked Mr. Braswell if he wanted the legislation held to allow him time to consult his attorney and/or the developer. Mr. Braswell asked that the legislation be called as amended. On the motion of Council Member Witcher and seconded by Council Member Ross, and the roll having been called, and all members present having voted in the affirmative, with the exception of Council Member White, who voted no, the ordinance was adopted as amended (6/1). Emergency clause adopted (7/0). (*applicant: Braswell & Son Pawn Shop*)

Mayor Smith then declared a brief recess at 6:41 p.m.

Mayor Smith reconvened the meeting reconvened the meeting at 6:45 p.m.

UNFINISHED BUSINESS

O-18-30

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED EAST OF GRAHAM AVENUE AND NORTH OF PAGE MILL ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-1 TO R-2 CLASSIFICATION BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; GRANTING A SPECIAL USE TO ALLOW THE SALE OF TOPSOIL IN ORDER TO PREPARE LAND FOR ROW CROPS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called, read one time, and held by the sponsor, Mayor Smith. (*applicant: David Mitchell*)

O-18-54

AN ORDINANCE RECLASSIFYING CERTAIN PROPERTY LOCATED NORTH OF ROCKWATER BOULEVARD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS FROM R-4 TO R-3 CLASSIFICATION TO ALLOW FOR DUPLEXES BY AMENDING ORDINANCE NO. 7697 OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS; ADOPTING AN AMENDED LAND USE PLAN FOR THE SUBJECT PROPERTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was called and held by the sponsor, Council Member Robinson. (*applicant: Thomas Engineering*)

CONSENT AGENDA

None filed.

NEW BUSINESS

R-18-127 (RESOLUTION NO. 9463 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO EXECUTE AN OFFER AND ACCEPTANCE WITH SMARHOUSE WAY, LLC AND TO SELL CERTAIN REAL PROPERTY LOCATED ALONG THE SOUTH SIDE OF RIVERFRONT DRIVE FROM JUST WEST OF THE BROADWAY BRIDGE RIGHT-OF-WAY TO SMARHOUSE WAY IN THE CITY OF NORTH LITTLE ROCK; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher and seconded by Council Member Ross, and by consent of all members present, the resolution was adopted (7/0).

R-18-128 (RESOLUTION NO. 9464 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR TO CONVERT RIVERFRONT DRIVE (BETWEEN THE UNION PACIFIC RAIL BRIDGE AND BROTHER PAUL DRIVE) FROM A FOUR-LANE BI-DIRECTIONAL PRINCIPAL ARTERIAL STREET TO A TWO-LANE BI-DIRECTIONAL MINOR ARTERIAL STREET; AND FOR OTHER PURPOSES, was read. A motion to adopt was made by Council Member Ross and seconded by Council Member White. Council Member Robinson received several calls about this legislation and asked if it could be held to allow time for a meeting with a group of people regarding this matter. Mayor Smith said the city took

over this roadway from the state so the property could be developed. The size of the right-of-way is not needed. Also, there is a need to slow down traffic. The bank that is financing the project is requiring this for financing of a proposed Apartment Complex. The complex would be three stories and have 210 units. There will also be a board walk on top of the Floodwall. Council Member Ross asked about the number of vehicles (5,200). Council Member Taylor asked how this compares to the traffic count on East Washington or any two-lane road in the city. Mr. Chris Wilbourn, City Engineer said traffic along Riverfront Drive varies from section to section. The largest volume is between West of the Broadway Bridge through the Round-about. Traffic numbers west of the Broadway Bridge are around 10,000 in both directions. A single lane, based on (traffic) signal variations can carry 7,500 to 9,000 vehicles per day. There is not a traffic (flow) reason to keep four-lanes. Regarding two-lane roads, portions of Main Street will have the heaviest flow. These numbers may be 13,000 to 15,000 per day. Mr. Wilbourn said the changes to Riverfront Drive would slow traffic and make it more Boulevard like. Council Member Hight asked how businesses along Riverfront Drive would benefit from the change. Mr. Wilbourn said parallel on-street (public) parking will be added to the downtown area. Mayor Smith said the new apartment complex will bring 400 to 500 new residents who will likely shop at downtown businesses. Mr. Wilbourn referenced the (Little Rock) downtown River Market area and accessibility. Council Member Hight asked that use of the bike trail not be affected by the apartment complex. Mr. Wilbourn said there would be room for a bike lane (on Riverfront Drive) in the future. On the previous motion, and by consent of all members present, with the exception of Council Member Robinson, who voted no, the resolution was adopted (6/1).

R-18-129 (RESOLUTION NO. 9465 – MAYOR SMITH)

A RESOLUTION REPEALING RESOLUTION NO. 8394 WHICH DECLARED 2010 CENTRAL AIRPORT ROAD IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS TO BE A PUBLIC NUISANCE AND CONDEMNED IT; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Ross and seconded by Council Member Robinson, and by consent of all members present, the resolution was adopted (7/0).

R-18-130 (RESOLUTION NO. 9466 – MAYOR SMITH)

A RESOLUTION AUTHORIZING THE MAYOR AND CITY CLERK TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH THE ARKANSAS ARMY NATIONAL GUARD FOR THE RELEASE OF ITS LEASEHOLD INTEREST AND PURCHASE OF THE FISHER ARMORY BUILDING; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Robinson and seconded by Council Member Witcher, and by consent of all members present, the resolution was adopted (7/0).

R-18-131

A RESOLUTION APPROVING AND CERTIFYING THE 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 called and held by the sponsor, Mayor Smith.

O-18-57 (ORDINANCE NO. 9027 – MAYOR SMITH)

AN ORDINANCE AMENDING THE MASTER STREET PLAN (ORDINANCE NO. 8601) TO REMOVE SECTIONS OF RIVERFRONT DRIVE AS A PRINCIPAL ARTERIAL STREET AND ADD SECTIONS OF RIVERFRONT DRIVE AS A MINOR ARTERIAL STREET; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Witcher and seconded by Council Member Ross, and by consent of all members present, the readings were suspended (7/0). On the motion of Council Member Witcher and seconded Council Member Ross, 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-18-58 (ORDINANCE NO. 9028 – MAYOR SMITH *for consideration only*)

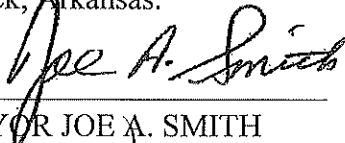
AN ORDINANCE GRANTING A SPECIAL USE TO ALLOW A TIRE STORE IN A C-3 ZONE FOR CERTAIN REAL PROPERTY LOCATED AT 2324 PIKE AVENUE IN THE CITY OF NORTH LITTLE ROCK, ARKANSAS; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES, was read. On the motion of Council Member Taylor and seconded by Council Member Witcher, and by consent of all members present, the rules were suspended and the ordinance was placed on its second reading (7/0). On the motion of Council Member Taylor and seconded by Council Member Robinson, and by consent of all members present, the rules were again suspended and the ordinance was placed on its third and final reading (7/0). The ordinance was read a third and final time. A motion to adopt was made by Council Member Witcher and seconded by Council Member Robinson. Council Member Hight asked about conditions, including limiting outdoor storage, etc. Mr. Spencer said the typical requirements for a Tire Shop are included. The applicant is allowed to have 30 tires outside (during business hours) that must be stored inside at night. The 30 tires count in their total inventory. All work must be done inside the building. Council Member White asked the applicant about disposal of used tires. Mr. Ahmed Alshuga advised tires will be moved to a facility as required by ADEQ (Arkansas Department of Environmental Quality) every two weeks. On the previous motion, and the roll having been called, and all members present having voted in the affirmative, with the exception of Council Member Ross, who voted no, the ordinance was adopted (6/1). Emergency clause adopted (7/0). (*applicant: Ahmed Alshuga*)

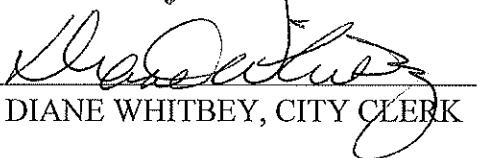
PUBLIC COMMENT

Mr. Ard complimented the City Clerk's Office and the new Enforcement Officer (Mr. Carroll) for their collection efforts and estimated it might be \$20,000.00 to \$25,000.00. Mr. Ard said Mr. Carroll is doing a great job. Mr. Ard asked the Mayor to assign a take-home vehicle so Mr. Carroll can be on-call. Mr. Ard said the Ball Park had beer sales (over the weekend). However, nothing went through the Mayor's Office regarding sales. Mr. Ard congratulated Council Member Witcher on an article in the Democrat Gazette regarding his upcoming retirement from the council. Council Member Robinson

said there is a drainage issue on Goodwin Circle. Council Member White said she appreciated the email she received from Mr. Carroll regarding working on Saturday. Mayor Smith said the city has great employees.

There being no further business to come before the Council, and on the motion of Council Member Robinson and seconded by Council Member Ross, and by consent of all members present, the meeting was adjourned at 7:08 p.m. (7/0), until the next regularly scheduled meeting to be held on Monday, July 23, 2018, 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 JOE A. SMITH

ATTEST: 
DIANE WHITBEY, CITY CLERK