

**Little Rock Board of Directors Meeting
May 2, 2017
6:35 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a meeting with Mayor Mark Stodola presiding. City Clerk Susan Langley called the roll with the following Directors present: Hendrix; Richardson (enrolled at 7:10 PM); Peck; Hines; Wright; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Webb; and Mayor Stodola. Director B.J. Wyrick delivered the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS

International Building Safety Month Proclamation

ADDITIONS:

M-1 RESOLUTION: To authorize the City Manager to execute a contract with Windstream Services, LLC, in an amount not to exceed \$268,585.80, for the purchase of Session Initiation Protocol Trunking System and related equipment and services; and for other purposes. *Staff recommends approval.*

Synopsis: To authorize City Manager to execute agreements with Windstream for trunk lines for City's Voice-Over Internet Phone System. With the option to increase or decrease service as demand dictates per the terms of the contract

Director Adcock made the motion, seconded by Director Hines, to add Item M-1 to the Consent Agenda. By unanimous voice vote of the Board Members present, **Item M-1 was added to the Consent Agenda.**

CONSENT AGENDA (Items 1 – 11 and Item M-1)

1. **MOTION:** To approve the minutes of the December 6, 2016, and January 3, 2017, Little Rock City Board of Directors Meetings; and the December 13, 2016, Little Rock City Board of Directors Reconvened Meeting.

2. **RESOLUTION NO. 14,552; G-24-051:** To set May 16, 2017, as the date of public hearing on the petition to abandon a twenty (20)-foot wide access and utility easement, located in the southern portion of Lot 204, Sandpiper Addition, in the City of Little Rock, Arkansas; and for other purpose.

3. **RESOLUTION NO. 14,553; Z-5936-O:** To set May 16, 2017, as the date of public hearing on a notice of appeal of the actions of the Little Rock Planning Commission in denying a requested Planned Zoning District, titled Tract 75 Chenal Valley Long-Form PD-R, located on the northwest corner of Champagnolle Drive and Rahling Road, in the City of Little Rock, Arkansas; and for other purposes.

4. RESOLUTION NO. 14,554: To authorize the City Manager to execute a Third Amendment to the Parking Citation Management Services Agreement awarded to Professional Account Management, LLC, also known as Duncan Solutions, to extend the contract term for one (1) additional year; and for other purposes. *Staff recommends approval.*
Synopsis: Approval of resolution authorizing City Manager to execute an Third Amendment to the existing Parking Citation Services Management Agreement with Professional Account Management, LLC, to extend the contract for one (1)-year with an end date of May 23, 2018.

5. RESOLUTION NO. 14,555: To authorize the City Manager to enter into an agreement with Northrup Gruman, in the amount of \$295,805.00, for the purchase of an Explosive Ordinance Disposal Vehicle for the Little Rock Fire Department; and for other purposes. *Staff recommends approval.*
Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with Northrup Grumman/Remotec, Inc., for the purchase of an Explosive Device Disposal Vehicle (Remotec Andros Bomb Robot) for the Little Rock Fire Department.

6. RESOLUTION NO. 14,556: To accept title to property donated to the City of Little Rock, Arkansas, by Quitclaim Deed, to be used for Neighborhood Revitalization Programs; and for other purposes. *Staff recommends approval.*
Synopsis: In an effort maximize the Land Bank's revitalization efforts, the Land Bank Commission and staff would like to accept the donation of the property located at 7319 Twin Oaks Road.
Property Details: The parcel is a 7,405 square-foot vacant lot.

7. RESOLUTION NO. 14,557: To accept title to properties donated to the City of Little Rock, Arkansas, by Quitclaim Deed, to be used for Neighborhood Revitalization Programs; and for other purposes. *Staff recommends approval.*
Synopsis: In an effort maximize the Land Bank's revitalization efforts, the Land Bank Commission and staff would like to accept the donation of the properties located at 2908 South Main Street and 4301 West 25th Street. **Property Details:** The 2908 South Main Street parcel is a 5,200 square-foot vacant lot and the 4301 West 25th Street parcel is a 6,720 square-foot vacant lot.

8. RESOLUTION NO. 14,558: To authorize the City Manager to award a contract to JCI Construction, Inc., in an amount not to exceed \$216,794.50, for the Heatherbrae Glen Valley Drainage Improvement Project; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax and the 2013 Limited Tax General Obligation Capital Improvement Bonds)* *Staff recommends approval*
Synopsis: Authorizes the City Manager to execute an agreement with JCI Construction, Inc., for Heatherbrae Glen Valley Drainage Improvements, Project No. 13-05-017, Bid No. 17-005. (Located in Ward 5)

9. RESOLUTION NO. 14,559: To authorize the City Manager to award a contract to JCI Construction, Inc., in an amount not to exceed \$753,146.40, for the Tanya Drive Realignment and Signal Improvement Project; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax and the 2013 Limited Tax General Obligation Capital Improvement Bonds)* *Staff recommends approval*
Synopsis: Authorizes the City Manager to execute an agreement with JCI Construction, Inc., for Tanya Drive Realignment and Signal Improvements, Project No. 13-B-6B, Bid No. 17-006. (Located in Ward 6)

10. RESOLUTION NO. 14,560: To authorize the City Manager to enter into a contract with River City Hydraulic Company, in the total amount of \$708,000.00, for the purchase of four (4) Rear-Loader Sanitation Trucks for the Public Works Department utilizing the

Housing-Galveston Area Council (HGAC) Cooperative Purchasing Agreement; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with River City Hydraulic Company for four (4) Rear-Loader Sanitation Trucks for the Little Rock Public Works Department.

11. RESOLUTION NO. 14,561: To express the willingness of the City of Little Rock, Arkansas, to utilize Federal-Aid Transportation Alternatives Program Funds and to authorize the Mayor, City Manager and City Clerk to execute any and all necessary agreements and documents for its administration; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to apply for Transportation Alternatives Program (TAP) Grant for 12th Street to War Memorial Trail and Recreational Trails Program (RTP) Grant for Ottenheimer Park Trails from the Arkansas Highway and Transportation Department

M-1 RESOLUTION NO. 14,562: To authorize the City Manager to execute a contract with Windstream Services, LLC, in an amount not to exceed \$268,585.80, for the purchase of Session Initiation Protocol Trunking System and related equipment and services; and for other purposes. *Staff recommends approval.*

Synopsis: To authorize City Manager to execute agreements with Windstream for trunk lines for City's Voice-Over Internet Phone System. With the option to increase or decrease service as demand dictates per the terms of the contract

Director Adcock made the motion, seconded by Director Wright, to approve the Consent Agenda. By unanimous voice vote of the Board Members present, **the Consent Agenda was approved.**

CITIZEN COMMUNICATION

There were no cards received from individuals wanting to speak during Citizen Communication.

GROUPED ITEMS (Items 12 - 18)

12. ORDINANCE NO. 21,396: To amend Chapter 8, of the Revised Code of Ordinances of the City of Little Rock, Arkansas, to modify the boundaries of the Fire District; and for other purposes. *Staff recommends approval.*

Synopsis: Staff is proposing an amendment to Chapter 8, Section 8-32(1) for the removal of a certain section of the Fire District.

13. ORDINANCE NO. 21,397: To amend Chapter 8, of the Revised Code of Ordinances of the City of Little Rock, Arkansas, to provide for the adoption by reference of the 2017 National Electrical Code; and for other purposes. *Staff recommends approval.*

Synopsis: Currently the City is enforcing the 2014 National Electrical Code. Adoption of the 2017 Code would bring the City up-to-date with the most current Code.

14. ORDINANCE NO. 21,398; Z-3051-B: To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock,

Arkansas; and for other purposes. *Planning Commission: 11 ayes; 0 nays; and 0 absent. Staff recommends approval*

Synopsis: The owner of the 0.28-acre property located at 3412/3414 Mabelvale Pike is requesting that the zoning be reclassified from C-1, Neighborhood Commercial District, to C-4, Open Display District, to allow for a small used car sales business. (Located in Ward 2)

15. ORDINANCE NO. 21,399; Z-3371-BBB: To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 11 ayes; 0 nays; and 0 absent. Staff recommends approval*

Synopsis: The owner of the 8.595-acre property located at the southeastern corner of Colonel Glenn Plaza Loop and David O. Dodd Road is requesting that the zoning be reclassified from C-3, General Commercial District, to C-4, Open Display District, to allow the property to be platted into two (2) lots, with the east 3.432 acres being developed for a car dealership and the west 5.163 acres being held for future commercial development. (Located in Ward 7)

16. ORDINANCE NO. 21,400; Z-9200: To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 11 ayes; 0 nays; and 0 absent. Staff recommends approval*

Synopsis: The owner of the 0.16-acre property located at 1914 Perry Street is requesting that the zoning be reclassified from R-2, Single-Family District, to R-4, Two-Family District to allow for the construction of one (1) duplex structure on the site. (Located in Ward 6)

17. ORDINANCE NO. 21,401; Z-9201: To reclassify property located in the City of Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 11 ayes; 0 nays; and 0 absent. Staff recommends approval*

Synopsis: The owner of the 0.155-acre property located at 2105 Perry Street is requesting that the zoning be reclassified from R-2, Single-Family District, to R-4, Two-Family District to allow for the construction of one (1) duplex structure on the site. (Located in Ward 6)

18. ORDINANCE NO. 21,400; Z-9202: To authorize the City Manager to dispense with the requirement of competitive bidding and enter into a Sole-Source Contract with Socrata, Inc., in an amount not to exceed \$131,064.00, plus applicable taxes and fees, for the purchase of the Socrata Open Performance module implementation; and for other purposes. *Staff recommends approval.*

Synopsis: To authorize City Manager to dispense with competitive bids and enter into a Sole-Source Contract with Socrata, Inc., for the purchase of the Socrata Open Performance module implementation.

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Wright, to read the ordinances a second time. By unanimous voice vote of the Board Members present, the ordinances were read a second time. Director Adcock made the motion, seconded by Director Wright, to suspend the rules and place the ordinances on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinances were read a third time. By unanimous voice vote of the Board Members present, **the ordinances were approved.**

SEPARATE ITEMS (Items 19 – 20)

19. RESOLUTION NO. 14,563: To authorize the City Manager to enter into contracts to provide Summer Academic Enrichment and Recreation Programs approved by the Commission on Children Youth and Families for 2017; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into contracts with sixteen (16) non-profit organizations to provide Summer Academic Enrichment and Recreation Programs.

Mayor Stodola asked for an overview regarding what the programs were designed to accomplish. Community Programs Department Director Dana Dossett stated that the purpose of the programs were to help ensure that the students didn't experience learning loss that often occurred during the summer. Ms. Dossett stated that 50% of the time would be spent with academic activities and the remaining 50% of the time would be spent participating in various recreational activities. Ms. Dossett stated that the ages for the programs were from six (6) to fifteen (15), and that those individuals aged sixteen (16) to twenty-one (21) were eligible for the Summer Youth Employment Opportunity positions.

Director Hines made the motion, seconded by Director Wright, to approve the resolution. By unanimous voice vote of the Board Members present, **the resolution was approved.**

20. RESOLUTION NO. 14,564: To authorize the City Manager to enter an agreement with Junior Achievement of Arkansas in an amount not to exceed \$50,000.00, to provide Summer Youth Employment Opportunity related services; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with one (1) non-profit organization to provide Summer Youth Employment Opportunity related services.

Director Hines made the motion, seconded by Director Richardson, to approve the resolution. By unanimous voice vote of the Board Members present, **the resolution was approved.**

PUBLIC HEARINGS (Items 21 – 22)

21. ORDINANCE NO. 21,403: To authorize the issuance of Taxable Industrial Development Revenue Bonds under the authority of Act No. 9 of 1960, as amended, and the Municipalities and Counties Industrial Development Revenue Bond Law, as amended, to secure and develop industry within the City; to authorize execution and delivery of a Bond Purchase Agreement providing for the sale of the Bonds; to authorize the execution and delivery of a Mortgage Security Agreement and fixture filing securing the Bonds; to authorize execution and delivery of a Lease Agreement by and between the City of Little Rock, Arkansas, as Lessor, and Martial Arts Services, Inc., as Lessee; to authorize and approve execution and delivery of a Sublease Agreement by and between the Lessor and ATA International, Inc., as Sublessee; to authorize execution and delivery of an agreement for payments in lieu of taxes; to authorize execution and delivery of other documents related to the issuance of the Bonds and to prescribe other matters in relation thereto; **to declare an emergency**; and for other purposes.

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Hines, to read the ordinance a second time. By unanimous voice vote of the Board Members present, the ordinance was read a second time. Director Adcock made the motion, seconded by Director Wright, to suspend the rules and place the ordinance on third reading. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a third time.

Mayor Stodola opened the public hearing and asked if there were individuals present that wished to speak for or against the item. There being none present, Mayor Stodola closed the public hearing.

By roll call vote, the vote was as follows: Ayes: Richardson; Peck; Hines; Wright; Wyrick; Kumpuris; Fortson; Adcock; and Vice-Mayor Webb. Present: Hendrix. When asked if she would like to change her Present vote, Director Hendrix indicated that she would like to change her vote from Present to Aye. The final roll call vote was as follows: Ayes: Hendrix; Richardson; Peck; Hines; Wright; Wyrick; Kumpuris; Fortson; Adcock; and Vice-Mayor Webb. By a vote of ten (10) ayes and zero (0) nays, **the ordinance was approved.** By unanimous voice vote of the Board Members present, **the emergency clause was approved.**

22. RESOLUTION; Z-8170-C: To rescind the Little Rock Planning Commission's action in denying a Conditional Use Permit to allow a Wastewater Treatment Plan on the property located at 25616 Highway 10; and for other purposes. *Planning Commission: 1 aye; 9 nays; and 1 absent. Staff recommends denial. (Deferred from September 6, 2016) (Deferred from December 6, 2016)(Deferred from March 7, 2017)*
Synopsis: The applicant, Rick Ferguson, through his attorney Philip Kaplan, is appealing the Planning Commission's action in denying a Conditional Use Permit to allow a Wastewater Treatment Plant on the property located at 25616 Highway 10. *(Located in the City's Extraterritorial Jurisdiction)*

Mayor Stodola opened the public hearing and asked if there were individuals present that wished to speak for or against the item.

Planning & Development Department Director Tony Bozynski stated that property in question was located in the Extraterritorial Jurisdiction (ETJ) are approximately two (2) – 2.5 miles outside the City Limits. Mr. Bozynski stated that the proposed Conditional Use Permit (CUP) was for the placement of a wastewater treatment plant to ultimately serve a future development of a subdivision of approximately 110 lots. Mr. Bozynski stated that staff recommended denial due to issues with compatibility, potential negative impact on surrounding properties, possible long-term health, safety & welfare issues and possible enforcement problems. Mr. Bozynski stated that at the Planning Commission hearing, the opposition raised concerns regarding another discharge into Nowlin Creek, the type of growth that was compatible or not compatible for the surrounding area, the long-term effect of a number of treatment plants on the area and enforcement & maintenance of the plant.

Director Wright asked if health and safety issues could be considered for this zoning issue. City Attorney Tom Carpenter stated that a CUP allowed the potential impact on a surrounding area to be considered. Director Kumpuris asked what the area was currently zoned. Mr. Bozynski stated that the area was currently zoned Planned

Commercial Development; however, the designation had expired. Mr. Bozynski stated that a Planned Development had been approved in 2007, and no additional extensions had been sought when it expired after three (3) years. Mr. Bozynski stated that the underlying zoning was R-2, Single-Family District. Director Fortson asked how large the overall development was contemplated to be. Mr. Bozynski stated that the property was approximately thirty-six (36) to thirty-seven (37) acres.

Phil Kaplan, 111 Center Street: Mr. Kaplan stated that the applicant had submitted an application that conformed in every respect to the R-2, Single-Family District, zoning. Mr. Kaplan stated that staff's objection was that if the CUP was approved for the wastewater treatment plant, it would be the first step in allowing the subdivision to ignore the City's existing zoning. Mr. Kaplan stated that the sellers held the property at R-2 zoning, and his client bought the property with the R-2 zoning classification. Mr. Kaplan stated that it was unfair to tell his applicant that the property could not be developed due to the fact that it was considered urban sprawl. Mr. Kaplan stated that the area that the wastewater treatment plant was to be located was heavily wooded, and that the buffering would be totally surrounded by mature growth. Mr. Kaplan stated that in July 2016, staff had met with representatives from the Arkansas Department of Environmental Quality (ADEQ) to express their concerns regarding the project. Mr. Kaplan stated that there was no identification of those alleged concerns were, so he submitted a Freedom of Information Act (FOIA) request to both the City and ADEQ. Mr. Kaplan stated that he asked if the City had been informed at any time whether there had been a problem affecting public health, safety and/or welfare with any Wastewater Treatment Plant operating with or without a CUP in Pulaski County. Mr. Kaplan stated that staff had stated they had not been notified of such an issue. In addition, Mr. Kaplan stated that he asked what the date was of the meeting between City Staff and ADEQ and for staff to supply notes concerning the meeting. Mr. Kaplan stated that notes were never submitted; therefore, there was no support for the proposition that there should be a concern. Mr. Kaplan stated that the subdivision would be a Municipal Improvement District, which would have Commissioners, the right to assess and the right to foreclose on properties if the assessments aren't paid. In addition, Mr. Kaplan stated that there would be less phosphorus coming out of the treatment plant than would come off of pasture land, which contained fertilizer and animal waste.

Doug Ford: Stated that he practiced Environmental Engineering in Little Rock and would be explaining the process of obtaining a National Pollutant Discharge Elimination System (NPDES) Permit for the discharge of treated wastewater. Mr. Ford stated that the NPDES Permit was part of the Clean Water Act and ADEQ was required to follow the requirements of the Federal Clean Water Act to issue those permits. Mr. Ford stated that they had made application to ADEQ for the treatment plant and ADEQ had deemed the application to be complete. Mr. Ford stated that ADEQ made notification to the public indicating that a permit had been requested. Mr. Ford stated that they submitted the plans and specifications to the Arkansas Department of Health (ADH) for review and it was determined that the treatment plant met the requirements. Mr. Ford stated that ADEQ then took the information and prepared a draft permit for the discharge of treated wastewater. Mr. Ford stated that when the draft became final, another advertisement was issued for public comment regarding the draft permit. Mr. Ford stated that once the thirty (30)-day public comment period was completed, the draft could proceed to be finalized. Mr. Ford stated that when an application was submitted for permit, a

description had to be provided what type of wastewater would be discharged and where it would be discharged, which in this case was residential wastewater discharged into Nowlin Creek. Mr. Ford stated that the proposed treatment plant was an Activated Sludge Extended Aeration Treatment Plant, which would operate very successfully with proper operation, and had met the requirements of ADEQ.

Director Wright asked if the Board could approve before ADEQ had granted the permit. City Attorney Carpenter stated that there was currently a stand-off in that ADEQ would not grant a permit until the City had approved the zoning and the CUP; however, the City would not grant the CUP until ADEQ had granted the permit for the package plant. City Attorney Carpenter stated that he had drafted language to state that for purposes of review of the facilities by ADEQ, the CUP would be granted. City Attorney Carpenter stated that in regards to the final effective date of the resolution, there were four (4) conditions: 1) the appropriate permits were obtained; 2) the applicants bring the permits to the Clerk's Office to be added as an exhibit to the resolution that granted the CUP; 3) that the process be completed within six (6) months; and 4) there would be a thirty (30)-day referendum period before everything became final.

Director Hines asked if there was any chance that ADEQ would issue a permit for the plant if the treatment proposed would present a threat to public health, safety and welfare in the area. Mr. Ford stated that ADEQ would not issue a permit if those determinations were made. Director Fortson asked in a fully developed-out subdivision what would be the volume of the plant. Mr. Ford stated that the draft permit with ADEQ was for 0.4 mgd (40,000 gallons per day), or twenty-five (25) gallons per minute; however, he believed the flow to be closer to 30,000 gallons per day. Director Wyrick asked what type of back-up the treatment plant would have in the case of a power failure. Mr. Ford stated that ADEQ and ADH required back-up emergency generators for power supply.

Steve Giles: Stated that he represented the Citizens of West Pulaski County and that they were not against development; however, they wanted good, responsible development. Mr. Giles stated that the residents did not believe that good, responsible development included high-density residential subdivisions with a CUP to get rid of the wastewater. Mr. Giles stated that there was not any property near the area that contained that type of density or the amount of discharge into Nowlin Creek. Mr. Giles stated that HB1550, which was now Act 987, put the policy for the City to act first in the CUP process.

Drew Kelso, P.O. Box 241130, Little Rock: Stated that he was a resident of West Pulaski County and lived in the ETJ, and was the spokesman for the Nowlin Creek Neighborhood Association and the Citizens of West Pulaski County. Mr. Kelso stated that it was a forgone conclusion that there would be growth in West Pulaski County; however, with more growth in the ETJ, more developers would be pursuing high-density subdivisions using private sewage treatment plants discharging into the Little Maumelle River. Mr. Kelso stated that growth in the ETJ was outpacing the City's ability to provide required infrastructure. Mr. Kelso stated that in the ETJ, the receiving streams for all sewage discharge were tributaries of the Little Maumelle River and there were no less than seven (7) recreational areas that were located along the streams of the Little Maumelle Watershed. Mr. Kelso stated that if the CUP was approved for the plant on Nowlin Creek, it along with other plants located in the area, would generate over

100,000 gallons per day flowing into the Little Maumelle River. Mr. Kelso stated that even if the sewage plant was engineered, built, operated and maintained correctly and the discharge limits set by ADEQ were met, it would still be polluting. Mr. Kelso stated that a permit from ADEQ was in a sense a permit to pollute and if there was no pollution, a permit would not be needed. Mr. Kelso stated that in the last two (2) years, there had been three (3) major failures of subdivision-maintained sewage treatment plants in Arkansas that had made it all the way to the Pollution Control and Ecology Commission. Mr. Kelso stated that he had examined all sixty-three (63) of the Discharge Permits in Pulaski County that Mr. Kaplan made reference to and of those, thirty-seven (37) were individual residences discharging less than 1,000 gallons per day, another fifteen (15) were school districts, churches, a few night clubs, a mobile home park, a couple of apartment homes and three (3) Dollar Stores. Mr. Kelso stated that after those locations were removed, there were approximately four (4) that were germane to that evening's discussion. Mr. Kelso stated that ADEQ's enforcement and monitoring system was totally reliant on timely and accurate reporting by the operators. Mr. Kelso reported that in 2014, only 4% of the plants in non-compliance had formal actions and the total result in fines was \$30,575. Mr. Kelso stated that there was no satisfactory mechanism for financial assurance of privately-owned and maintained sewage treatment plants. Mr. Kelso stated that the passage of the Mountain Valley CUP, or any similar CUP, would be contrary to the purpose and intent of City Code and would create an unreasonable risk of: jeopardizing the public health, safety and welfare; adversely affecting the property of the citizens; and destroying the Little Maumelle Watershed.

Dr. Harold Hedges: Stated that he was a resident of West Pulaski County and lived in the ETJ on Nowlin Creek, and was a member of the Nowlin Creek Neighborhood Association. Mr. Hedges stated that toxic algae blooms did affect lives and that they had photographs of such blooms that had occurred as a result of the one treatment plant that was operational on Nowlin Creek. Dr. Hedges stated that Freshwater Harmful Algae Bloom) toxins could cause disease in humans and disease and death in domesticated and wild animals. Dr. Hedges stated that Nowlin Creek went dry with no flow from approximately May to November, and the only time flow was seen was due to a heavy rain. Dr. Hedges stated that the water would be polluted before it could be seen with human eye. Dr. Hedges stated that he had taken a sample of water from the discharge of the Alotian Wastewater Treatment Plant into Nowlin Creek. Dr. Kelso stated that when he took the sample, he assumed that it complied with ADEQ Standards for Bacteria and Chemical Composition; however, it was not sterile and contained bacteria and the chemicals Nitrogen and Phosphates. Dr. Kelso stated that because of the known toxic effects of algae blooms in pools between dry creek beds and small streams, he was asking the Board to uphold the Planning Commission's action in denying the CUP.

Sanford Tollette: Stated that he was a resident of West Pulaski County and for forty-one (41) years, he had been the Executive Director of the Joseph Pfeifer Kiwanis Camp, which provided the children from the City and community the opportunity to participate in a wholesome, wilderness experience in the outdoors. Mr. Tollette stated that Camp Pfeifer was located on eighty-eight (88) acres on the Little Maumelle River. Mr. Tollette stated that the vote was looking to the future and was about the children and the potential to being exposed to bacteria and other things contained within the potential discharge

Travis Porter, 7412 Ferndale Cutoff: Stated that he lived in the ETJ and his concern was regarding a specific condition in the permit drafted by ADEQ. Mr. Porter stated that

Condition No. 13 identified the sampling type and frequency to be performed on the discharge from the proposed wastewater treatment plant. Mr. Porter stated that adequate sampling of the discharge was essential to assure that the plant was operating properly and conforming to specified limits of the parameters identified in the permit. Mr. Porter stated that the condition identified eight (8) parameters to be measured on the discharge of the permit. Mr. Porter stated that one of the parameters was that the flow of the process was to be measured twice a week. In addition, Mr. Porter stated that fecal coliform was to be measured by taking a grab sample only once per quarter. Mr. Porter stated that the sampling and frequency testing specified in the pending permit did not adequately protect the people, the animals or the environment downstream from where the facility would be discharging.

Ruth Bell, 7611 Briarwood Circle: Stated that she represented the League of Women Voters of Pulaski County and they were concerned with not only the health and safety issues, but with the financial cost of possible failures. Ms. Bell stated that they felt that such an urban style subdivision would be detrimental to the City's long-range planning and asked that the Board reject the appeal.

Tom Frothingham, 24207 Pleasant Grove Road: Stated that he was the President of the Nowlin Creek Neighborhood Association. Mr. Frothingham stated that he was an organic farmer and was against the appeal of the CUP.

Robert Walker, 3224 West Capitol Avenue: Stated that if the developer would build large lots, the residents could have individual septic tanks. Mr. Walker asked that the Board deny the appeal of the CUP.

Rel Corbin, 4715 West 29th Street: Stated that ADEQ would approve anything and he was against the appeal of the CUP.

Mr. Kaplan stated that there was bacteria in any creek located within the State, whether it had discharge or not. Mr. Kaplan stated that ADEQ was fulfilling their responsibilities under the Clean Water Act or the Federal Government would have already taken them over. Mr. Ford stated that ADEQ, along with the Environmental Protection Agency, established water quality standards on all streams and water bodies in Arkansas, and that some pollutants were naturally occurring.

Mayor Stodola closed the public hearing.

By unanimous voice vote of the Board Members present, **the resolution failed.** Director Richardson stated that he was confused and would like to change his vote to Aye. By voice vote of the Board Members present, with Director Richardson voting in support, **the resolution failed.**

Director Adcock made the motion, seconded by Director Hines, to adjourn the meeting. By unanimous voice vote of the Board Members present, **the meeting was adjourned.**

ATTEST:

APPROVED:

Susan Langley, City Clerk

Mark Stodola, Mayor