

**Little Rock Board of Directors Meeting
August 20, 2019
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a regular meeting with Mayor Frank Scott, Jr., presiding. City Clerk Susan Langley called the roll with the following Directors present: Hendrix; Richardson; Webb; Peck; Hines; Wright; Fortson; Adcock; Vice-Mayor Wyrick; and Mayor Scott. Directors Absent: Kumpuris. Director Ken Richardson delivered the invocation followed by the Pledge of Allegiance.

PRESENTATIONS

Rock Region Metro Presentation

CONSENT AGENDA (Items 1 – 10)

1. **MOTION:** To approve the minutes of the June 4, 2019, Little Rock City Board of Directors Meeting.

2. **RESOLUTION NO. 15,042; Z-7605-D:** To set September 3, 2019, as the date of public hearing on the appeal of the Planning Commission's denial of a Planned Zoning Development titled Lots 2 and 3, Chevaux Office Park Short-Form PCD, located at 17705 Cantrell Road, Little Rock, Arkansas. *Staff recommends approval.*

3. **RESOLUTION NO. 15,043:** 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. *Land Bank Commission: 8 ayes and 0 nays. Staff recommends approval.*

Synopsis: In an effort to increase the number of properties held by the Land Bank and to maximize the City's revitalization efforts, staff would like to accept the donation located at 2319 South Broadway Street. The parcel is a 9,600 square-foot vacant lot with no structure.

4. **RESOLUTION NO. 15,044:** To authorize the City Manager to execute a contract with Enterprise Fleet Management Trust for an Annual Purchase Order in an amount not to exceed \$2,098,000, plus applicable taxes and fees, to lease up to eighty-four (84) vehicles; to utilize the Five (5)-Year Replacement Plan for the Little Rock Police Department and other City Departments; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution authorizing the City Manager to award an Annual Purchase Order to Enterprise Fleet Management Trust, for the leasing of up to eighty-four (84) vehicles to be utilized by various City of Little Rock Departments.

5. **RESOLUTION NO. 15,045:** To amend Little Rock, Ark., Resolution No. 14,950 (March 5, 2019), to approve a 10% increase in the purchase cost of one (1) Pierce Velocity Pumper Truck with G&W Diesel Services, Inc., to include additional options required by the Little Rock Fire Department; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax) Staff recommends approval.*

Synopsis: Approval of an amendment to Resolution No. 14,950, which was approved on March 5, 2019, to include updated account information and additional options for a Pumper Truck purchased for the Little Rock Fire Department from G&W Diesel Services, Inc.

6. RESOLUTION NO. 15,046: To authorize the City Manager to enter into a contract with Hasty Awards, in the amount of \$72,816.25, to provide the 2020 Little Rock Marathon Finisher's Medals; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to execute a contract with Hasty Awards for the 2020 Little Rock Marathon Finisher's Medals.

7. RESOLUTION NO. 15,047: To express the willingness of the City of Little Rock, Arkansas, to utilize Arkansas Department of Parks, Heritage and Tourism Outdoor Recreation Grant Program Funds; to authorize the Mayor and City Manager to execute any and all necessary Applications, Agreements and Contracts for its administration; and for other purposes. *(A portion of the funding will be from the 2012 3/8-Cent Capital Improvement Sales Tax) Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to apply for a grant from Department of Parks, Heritage and Tourism in the amount of \$250,000 to renovate City Parks.

8. RESOLUTION NO. 15,048: To authorize the Mayor and City Clerk to execute a Historic Preservation Easement to the State of Arkansas, acting by and through the Arkansas Historic Preservation Program, for Pavilion #1 in Boyle Park, located in the City of Little Rock, Arkansas; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution will authorize the Mayor and City Clerk to execute a Historic Preservation Easement on Pavilion #1 and the surrounding area of Boyle Park for the repair of the flagstone surrounding the Pavilion #1 and the walkway to the Pavilion #1 and to make the walkway ADA compliant.

9. RESOLUTION NO. 15,049: To authorize the City Manager to execute a one (1)-year Lease Agreement, with the option to renew for one (1) additional year, in the amount of \$173,280.00, for property owned by the Institute of Basic Life Principals, Inc., to provide Office Space for the Little Rock Police Department; and for other purpose. *Staff recommends approval.*

Synopsis: The Little Rock Police Department is requesting approval to enter into a one (1)-year lease agreement with the option to renew for one (1) additional year with the Institute of Basic Life Principles, Inc., for Office Space located at 300 East Roosevelt Road for use by the Special Operations Division. The lease term will be May 1, 2019, through April 30, 2020.

10. RESOLUTION NO. 15,050: To authorize a \$350,000.00 distribution to the Arkansas Arts Center for 2019 Maintenance and Expenses, pursuant to Little Rock, Ark., Resolution No. 14,234 (November 3, 2015); and for other purpose. *Staff recommends approval.*

Synopsis: The Arkansas Arts Center has requested the distribution of an additional \$350,000 in accordance with the requirements of the Maintenance Agreement defined in Resolution No. 14,234 (November 3, 2015), which established minimum annual funding of \$700,000.

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.**

GROUPED ITEMS (Items 11 - 14)

11. ORDINANCE NO. 21,764; Z-5675-F: To approve a Planned Zoning Development and establish a Planned Office District titled Philander Smith College New Student Housing Short-Form POD, located at 900 West Daisy L. Gatson Bates Drive, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays and 3 absent. Staff recommends approval.*

Synopsis: Philander Smith College seeks to amend the existing POD, Planned Office Development, in order to allow a modified configuration of the student housing with a building area more the 5% larger than the previously-approved POD. The proposal is for a single building of four (4) stories, rather than two (2), three (3)-story buildings. (Located in Ward 1)

12. ORDINANCE NO. 21,765; Z-9120-B: To approve a Planned Zoning Development and establish a Planned Commercial District titled Rebel Kettle Revised Short-Form PCD, located at 822 East 6th Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays and 3 absent. Staff recommends approval.*

Synopsis: The business owner added some artwork with the words “Rebel Kettle Brewing Company” on the rear of the stage located near the intersection of East 6th Street and Collins Street. This addition is considered signage and not an art mural. No other changes are proposed to the PCD. (Located in Ward 1)

13. ORDINANCE NO. 21,766; Z-9431: To approve a Planned Zoning Development and establish a Planned Office District titled Copper Well Retreat Short-Form POD, located at 12418 Cantrell Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays and 3 absent. Staff recommends approval.*

Synopsis: The owners of the spa/retreat have found the building housing the spa becomes too loud and congested when larger groups are next to rooms with private services; therefore, they seek to erect a yurt on the adjacent lot under the same ownership of their current landlord to provide a separate space for group activities.

14. ORDINANCE NO. 21,767: To grant a Franchise for the use of City right-of-way for the construction of a twenty-four (24)-hour Hotel Valet Lane, located in front of the Hall and Davidson Buildings, at 201 – 215 West Capitol Avenue, Little Rock, Arkansas; to set the other terms and conditions for this Franchise for the Franchisee; and for other purposes. *Staff recommends approval.*

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

Director Adcock asked if there were other hotels within the City that paid a Franchise Fee for a valet lane and what was the amount of the fee. Public Works Director Jon Honeywell stated that this was the first instance where a hotel would be utilizing City right-of-way. Mr. Honeywell stated that the applicant would pay \$6,900.00 annually in Franchise Fees. City Attorney Tom Carpenter stated that in 2016 (Ordinance No. 21,183), the City started charging a Franchise Fee after Raduno Brick Oven made the

request to utilize an outside area for seating/dining. City Attorney Carpenter stated that Public Works Staff researches the rental property value and determines an appropriate fee.

By unanimous voice vote of the Board Members present, **the ordinances were approved.**

SEPARATE ITEMS (Items 15 – 17)

15. ORDINANCE NO. 21,769; Z-9429: To approve a Planned Zoning Development and establish a Planned Commercial District titled Harris Short-Form POD, located at 8122/8124 Stagecoach Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays and 3 absent. Staff recommends approval.*

Synopsis: The applicant is requesting a rezoning to PCD, Planned Commercial Development, to allow C-3, General Commercial District, uses, auto repair garage, and building materials sales (open) with no change to the configuration of the existing buildings or legal composition. (Located in Ward 7)

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

16. ORDINANCE NO. 21,768: To condemn certain structures in the City of Little Rock, Arkansas, as structural, fire and health hazards; to provide for summary abatement procedures; to direct the City Staff to take such action as is necessary to raze and remove said structures; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

Synopsis: Four (4) residential structures are in a severely dilapidated, deteriorated and/or burned condition causing a negative environmental impact on the residential neighborhoods in which they are located. All Notices have been mailed in accordance with Arkansas State Law.

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

17. ORDINANCE: To declare it the Policy of the City of Little Rock, Arkansas, to make the investigation, citation, arrest, seizure or prosecution of Misdemeanor Marijuana Offenses by adults the lowest Law Enforcement priority; and for other purposes.

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

Kenneth Grand, 121 North Schiller Street: Stated that in 2005, while attending college, he was in the car with an individual that unbeknownst to him, had taken opioids. Mr. Grand stated that he was asleep in the car when they were pulled over and the Police found a small bag of marijuana on his person. Mr. Grand stated that as a result of his arrest, he found that he was no longer eligible for Pell Grants. Mr. Grand urged the Board to support the proposed ordinance.

Russ Racop, 301 Alamo Drive: Stated that the enforcement action affected African-Americans more than any other group on a local level, as well as nationwide. Mr. Racop stated that one of the first orders of business that the new Jacksonville Police Department conducted was to deprioritize marijuana arrests. Mr. Racop asked that the Board pass the ordinance.

Director Richardson stated that since he brought the same item up the previous year, which was defeated, Oklahoma City, New York City and Jacksonville, AR, had all passed similar approaches to address the issue. Director Richardson stated that the previous Police Chief, as well as the current Police Chief, had stated that the Department currently utilized the approach of placing a lower priority on marijuana offenses. Director Richardson asked for an explanation regarding the difference between an approach and a policy.

Little Rock Police Chief Keith Humphrey stated that Oklahoma City did not pass an ordinance due to the fact that all the drug offenses in the State of Oklahoma were reduced to Misdemeanors. Chief Humphrey stated that he did not consider it smart for a Police Chief to put into policy that marijuana offenses would be made the lowest level of priority. Chief Humphrey stated that Officers did have discretions and that those discretions should not be taken away. Chief Humphrey stated that the majority of the marijuana arrests did result in citations; however, if an arrest was made for another offense, and marijuana was found, the individual would be charged for that offense as well. Chief Humphrey stated that his concern with passing the proposed ordinance was that there would be individuals that believed it would give them carte blanche to smoke marijuana. Director Richardson asked what the problem was with putting the Department's approach in writing. City Attorney Tom Carpenter stated that the Department of Justice had already announced that it did not adhere to the States that had Medical or Recreational-Use Marijuana amendments and had directed the U.S. Attorney's to continue to prosecute. City Attorney Carpenter stated that if it was put into writing that there was a law that was not going to be obeyed, the potential ramifications that could occur might result in grants not being funded.

Director Richardson made the motion, seconded by Director Hines, to call the question on the vote. By unanimous voice vote of the Board Members present, **the question to vote was called.**

By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Webb; Peck. Nays: Hines; Wright; Fortson; Adcock; and Vice-Mayor Wyrick. Absent: Kumpuris. By a vote of four (4) ayes, five (5) nays and one (1) absent, **the ordinance failed.**

CITIZEN COMMUNICATION

Shayla Hooks, 3320 Elam Street: Treatment by City Employees.

Luke Skrable: Why illegal CC Guideline is used instead of signed Ordinance No. 21,010.

Casey Farris, 23512 Highway 107: Lights at Murray Volleyball Court.

Mayor Scott stated that the Little Rock Police Department had received notification from the Federal Government that they were eligible to apply for the Justice Assistance Grants and part of the application process was that a statement was to be read into the minutes of the meeting. City Clerk Susan Langley read the following statement:

The Little Rock Police Department has received notification of eligibility to apply for funds from the FY 2019 Edward Byrne Memorial Justice Assistance Grant (JAG) Program. The amount of allocation for Little Rock and Pulaski County is \$274,461.00. As part of the application process, the Little Rock Police Department is required to notify its governing body of this eligibility.

Director Fortson 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

Frank Scott, Jr., Mayor