

**Little Rock Board of Directors Meeting  
November 7, 2017  
6:00 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; Peck; Hines; Wright; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Webb; and Mayor Stodola. Director Joan Adcock delivered the invocation, which was followed by the Pledge of Allegiance.

**PRESENTATIONS**

Little Rock Fire Department Citizen's Fire Academy Graduation  
Muscular Dystrophy Association Presentation to Little Rock Fire Department

**DEFERRALS**

**18. ORDINANCE; Z-7517-B:** To approve a Planned Zoning Development and establish a Planned Commercial Development titled Highway 10 Storage Center Revised Long-Form PCD, located at 9300 Ferndale Cut-off, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. (*Deferred until January 16, 2018, at the applicant's request*) *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval.*  
**Synopsis:** The request is to amend the previously-approved PCD, Planned Commercial Development, to allow for the seasonal sales of fireworks. (Located in the City's Extraterritorial Planning Jurisdiction)

Director Adcock made the motion, seconded by Director Hines, to defer Item 18 until January 16, 2018. By unanimous voice vote of the Board Members present, **Item 18 was deferred until January 16, 2018.**

**21. ORDINANCE; Z-7500-F:** To approve a Planned Zoning Development and establish a Planned Residential District titled The Hamilton Apartments, located behind 14524 – 14810 Cantrell Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. (*Deferred until November 21, 2017, at the applicant's request*) *Planning Commission: 5 ayes; 5 nays; and 1 absent. Staff recommends denial.*  
**Synopsis:** The applicant, John Reese, is appealing the Planning Commission's recommendation of denial for a Planned Residential Development located behind 14524 – 14810 Cantrell Road. (Located in Ward 5)

Director Adcock made the motion, seconded by Director Hines, to defer Item 21 to November 21, 2017. By unanimous voice vote of the Board Members present, **Item 21 was deferred until November 21, 2017.**

**CONSENT AGENDA (Items 1 – 4 and Item 6 - 7)**

Mayor Stodola stated that he had received a card from an individual wanting to address the Board regarding Item 5 and it would be read separately

1. To accept the 2016 Audit.

2. **RESOLUTION NO. 14,661**: To authorize the City Manager to enter into an Annual Contract with Levy Concrete, in the approximate amount of \$100,000.00, for the purchase of Ready-Mix Concrete for the Public Works Department; and for other purposes. *Staff recommends approval.*

**Synopsis: Request for approval to enter into an Annual Contract with Levy Concrete to provide the Public Works Department with Ready-Mix Concrete for use in street and sidewalk repairs. The contract will be for one (1)-year from the date of award, with possible extensions yearly for two (2) additional years, if agreed by all parties.**

3. **RESOLUTION NO. 14,662**: To authorize the City Manager to enter into an agreement with TischlerBise, Inc., in an amount not to exceed \$243,750.00, for a study and report with respect to the potential economic impact of extraterritorial extension of City services; and for other purposes. *Staff recommends approval.*

**Synopsis: To authorize a contract with TischlerBise, Inc., to prepare a study and a report with respect to the potential impact of the extraterritorial extension of the City services.**

4. **RESOLUTION NO. 14,663**: To certify Local Government Endorsement of Ring Container Technologies, located at 9000 Frazier Dam Pike Road, Little Rock, Arkansas, to participate in the Arkansas Tax Back Program (as authorized by Ark. Code Ann. § 15-4-2706(D) of the Consolidated Incentive Act of 2003); and for other purposes.

6. **RESOLUTION NO. 14,665**: To authorize the City Manager to enter into a Professional Services Agreement with Ghidotti Communications, in an amount not to exceed \$150,000.00, to provide Public Relations, Advertising and Marketing Services for the Little Rock Police Department; and for other purposes. *Staff recommends approval.*

**Synopsis: To authorize the City Manager to enter into an Agreement with Ghidotti Communications to provide Public Relations, Advertising and Marketing Services for the Little Rock Police Department.**

Director Richardson asked what type of services the City would be receiving as a result of the agreement. City Manager Bruce Moore stated that a Request for Proposal had been issued to assist with the recruitment of potential Cadets for the Little Rock Police Academy. Communications & Marketing Manager Lamor Williams stated that the services would include a heavy digital, radio and print ads, in addition to video production.

7. **RESOLUTION NO. 14,666**: To inform the Arkansas Congressional Delegation of the need for a clear method to assess Compensating Use Taxes to Internet sales; to note that approximately \$3.9 million in revenues from one of the few revenue sources available to an Arkansas municipality were lost to the City of Little Rock in 2017 due to the lack of such legislation; and for other purposes.

Director Adcock made the motion, seconded by Director Wright, to approve the Consent Agenda. By voice vote of the Board Members present, with Director Adcock voting in opposition on Item 3, **the Consent Agenda was approved.**

### **SEPARATE ITEM (Item 5)**

**5. RESOLUTION NO. 14,664:** To authorize the Mayor and City Clerk to execute the necessary documents to purchase the McFadden Building, located at 615 West Markham Street, for the amount of \$956,000.00; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax) Staff recommends approval.*

**Synopsis:** A resolution to authorize the purchase of the McFadden Building, located at 615 West Markham Street, to be renovated for the Little Rock Police Department Headquarters and the relocation of the Little Rock Police Department Property Room.

Russ Racop, 301 Alamo Drive: Stated that he was against the purchase of the McFadden Building for use as the Little Rock Police Headquarters. Mr. Racop stated that the building was being purchased at a higher rate than the appraised value and that he didn't think it was a good use of money.

City Manager Moore stated that the seller had an appraisal of \$995,000, and that the appraisal that had been conducted for the City had come in at \$920,000. City Manager Moore stated that the City had negotiated with the seller to split the difference.

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

### **CITIZEN COMMUNICATION**

Russ Racop, 301 Alamo Drive: Issues with the City Manager.

Mir Ari, 1906 Gamble Road: Kanis Road Widening.

Jim Lynch: Campaign Finance Ordinance.

### **GROUPED ITEMS (Items 8 – 12, Items 14 – 17 & Item 20)**

Mayor Stodola stated that he had received cards from individuals wanting to address the Board regarding Item 13 and it would be read separately. In addition, Mayor Stodola stated that Director Adcock had received answers to her questions from the previous week regarding Item 20 and it could be read with the Grouped Items.

Director Adcock asked if there had been an amendment added to Item 20. City Attorney Tom Carpenter stated that he had just received a request from Brad Walker, Legal Counsel for the Developer, that the Planned Development would not include convenience stores, liquor stores or pawn shops as tenants or landowners and that Lot 5, currently labeled as an Assisted Living Facility, would be relabeled as a Senior Assisted Living Facility. Director Adcock made the motion, seconded by Director Wright, to amend the ordinance to include the language as requested by the Developer. By

unanimous voice vote of the Board Members present, **the ordinance for Item 20 was amended.**

**8. ORDINANCE NO. 21,496; Z-4923-T:** To approve a Planned Zoning Development and establish a Planned Commercial Development titled Shackelford Crossing Revised Long-Form PCD, located at 2600 – 2700 South Shackelford Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval.*

**Synopsis:** The request is to amend the previously-approved PCD, Planned Commercial Development, to allow a revision to the previously-approved Signage Plan, building height and restaurant square-footage. (Located in Ward 6)

**9. ORDINANCE NO. 21,497; Z-5380-D:** To approve a Planned Zoning Development and establish a Planned Residential Development titled Woodruff School Apartments Short-Form PD-R, located at 3010 West 7<sup>th</sup> Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval.*

**Synopsis:** The request is to rezone the site from R-3, Single-Family District to PD-R, Planned Development - Residential, to allow for the redevelopment of the site with multi-family and a restaurant. (Located in Ward 3)

**10. ORDINANCE NO. 21,498; Z-9258:** To approve a Planned Zoning Development and establish a Planned Residential Development titled H-D-T, LLC, Short-Form PD-R, located at 1018 and 1022 Lewis Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval.*

**Synopsis:** The request is to rezone the site from R-2, Single-Family District, to PD-R, Planned Development – Residential, to create a two (2)-lot plat which will allow each of the existing homes to be located on individual lots. (Located in Ward 2)

**11. ORDINANCE NO. 21,499; Z-9259:** To approve a Planned Zoning Development and establish a Planned Residential Development titled 9025 South Heights Road Short-Form PD-R, located at 9025 South Heights 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 2 absent; and 1 recusal). Staff recommends approval.*

**Synopsis:** The request is to rezone the site from R-2, Single-Family District, to PD-R, Planned Development - Residential, to allow for the development of a duplex on the existing vacant lot. (Located in Ward 2)

**12. ORDINANCE NO. 21,500; Z-9260:** To approve a Planned Zoning Development and establish a Planned Residential Development titled Arkansas Mobile Home Village Long-Form PD-R, located at 11311 Alexander Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval.*

**Synopsis:** The request is to rezone the site from R-2, Single-Family District, to PD-R, Planned Development - Residential, to recognize an existing manufactured home park and allow for the construction of accessory buildings for each of the units. (Located in Ward 7)

**14. ORDINANCE NO. 21,502:** To establish the Rate of Taxation of property for the City of Little Rock, Arkansas, to be collected in the Year 2018 for various funds of the City of Little Rock; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

**Synopsis:** Adoption of an ordinance levying Property Taxes to be paid on real and personal property located within the City of Little Rock.

**15. ORDINANCE NO. 21,503:** To amend Little Rock, Ark. Ordinance No. 21,343 (December 13, 2016), to adjust the Fiscal Year 2017 Budget Ordinance to reflect revenue and expenditure adjustments for the General, Street, and Fleet Funds; **to declare and emergency**; and for other purposes. *Staff recommends approval.*

**Synopsis:** Ten (10) adjustments need to be made to the 2017 Budget to adjust for changes in anticipated revenues and expenditures.

**16. ORDINANCE NO. 21,504:** To authorize the issuance of Port Authority Revenue Bonds; to provide for the payment of the principal of and interest on the Bonds; to prescribe other matters relating thereto; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

**17. ORDINANCE NO. 21,505:** Providing for the issuance and sale of a series of Library Refunding Bonds for the purpose of refunding the City's outstanding library construction and Improvement Bonds, Series 2012; pledging Library Tax revenues and Special Tax Collections sufficient to pay the principal of and interest on the Bonds; authorizing the execution and delivery of a trust indenture; approving an official statement; prescribing other matters relating thereto; **to declare and emergency**; and for other purposes. *Staff recommends approval.*

**20. ORDINANCE NO. 21,507; Z-9257:** To approve a Planned Zoning Development and establish a Planned Commercial Development titled Big Rock Plaza Long-Form PCD, located on the northwest corner of Pleasant Hill Road and Vimy Ridge Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; and 2 absent. Staff recommends approval.*

**Synopsis:** The request is to rezone the site from R-2, Single-Family District, to PCD, Planned Commercial Development, to allow for the development of a five (5)-lot plat for future development of commercial uses as allowed within the C-3, General Commercial District. (Located in Ward 7)

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 Richardson, 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.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 14 was approved.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 15 was approved.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 16 was approved.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 17 was approved.**

#### **SEPARATE ITEMS (Items 13 and 19)**

**13. ORDINANCE NO. 21,501; Z-9261:** To approve a Planned Zoning Development and establish a Planned Residential Development titled Copper Run Long-Form PD-R, located at 16901 Pride Valley Road, Little Rock, Arkansas, amending the Official Zoning

Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 1 nay; and 2 absent. Staff recommends approval.*

**Synopsis: The request is to rezone the site from R-2, Single-Family District, to PD-R, Planned Development - Residential, to allow for the development of a single-family subdivision. (Located within the City's Extraterritorial Planning Jurisdiction)**

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Richardson, 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 Fortson, to suspend the rules and place the ordinance on third reading. By voice vote of the Board Members present, with Director Hendrix voting in opposition, the rules were suspended and the ordinance was read a third time.

Graham Smith: Stated that he was the applicant and that he and his partners were purchasing the property, which was currently located outside the City Limits. Mr. Smith stated that plan was to request that the property be annexed into the City and they wanted to develop the land into 139 residential lots. Mr. Smith stated that currently the land consisted of two (2) parcels; one of which was six (6) acres and contained a mobile home park that was past its useful life, and the other parcel was approximately eighty (80) acres. Mr. Smith stated that the mobile home park would be removed in order to develop the lots into residential housing. Mr. Smith stated that they were asking for two (2) variances: one for advanced grading in order to keep all the dirt on the property and the dump trucks off of the City streets. Mr. Smith reported that they would be making all the necessary road improvements and were not asking for any deferrals.

Gordon Duckworth, 920 Cape Court: Stated that he owned approximately four (4) acres of land located southeast of the proposed development. Mr. Duckworth stated that his concern was why there could not be less density to accommodate the rolling terrain in the area, and why there needed to be so much clear-cutting of trees.

Clayton Parr, 18 Mallard Point Cove: Stated that he lived adjacent to the proposed development. Mr. Parr stated that he was not opposed to the development; however, he was concerned about safety and infrastructure of the area.

Mr. Smith stated that he had met with several of the residents in the area to address any concerns that they had regarding the development of the property. Mr. Smith stated that he shared their opinions regarding the width of the roads in the area. Mr. Smith stated that they would be developing another neighborhood on Pride Valley Road and would be widening the road at that neighborhood as well.

Brian Dale: Stated that he was with White Daters & Associates and that there was not a mapped flood plain for the location in question, and that the mapped flood plain ended at Cooper Orbit Road. Mr. Dale stated that they would conduct the storm water detention calculations and would work with the Public Works Department to ensure compliance.

Director Adcock asked if the proposed development was near the City boundaries and if the City would accept the request for annexation. City Manager Bruce Moore stated that once the request for annexation was heard by the Pulaski County Quorum Court, it would come before the Board for action. Director Wyrick stated that there appeared to be a tract land between the proposed development and the City Limits and asked what would happen with that tract. Mr. Dale stated that the petition before the Quorum Court

was for more than the parcel of land for the proposed development; it was for approximately eight (8) to ten (10) additional parcels.

By voice vote of the Board Members present, with Director Adcock voting in opposition, **the ordinance was approved.**

**19. ORDINANCE NO. 21,506; Z-8660-A:** To approve a Planned Zoning Development and establish a Planned Office Development titled Hansen Revised Short-Form PD-O, located at 400 North Van Buren Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 1 nay; and 2 absent. Staff recommends denial.*  
**Synopsis: The request is to amend the previously-approved PD-O, Planned Development - Office, to add massage therapy as an allowed use. (Located in Ward 3)**

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Wright, 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 voice vote of the Board Members present, with Director Hendrix voting in opposition, the rules were suspended and the ordinance was read a third time.

Director Hendrix asked for an overview regarding a similar application that had been filed in the same vicinity that had been denied. Planning & Development Director Jamie Collins stated that staff had recommended denial for the previous application based on the proposed use. Mr. Collins stated that when the property was rezoned for Planned Development- Office, it was for a recognition of the use that it was being utilized for at the time, which was real estate. Mr. Collins stated that the current application was for message therapy and not considered a Professional Use, but more in line with a Commercial Use and had a specific definition aligned in the Zoning Codes. Director Richardson asked if there were any other commercial businesses located in close proximity to the property in question. Mr. Collins stated that there was a Planned Commercial Development located approximately two (2) blocks south of the property; however, one would need to go approximately four (4) or five (5) blocks north (near Kavanaugh Boulevard) and south (near Markham Street) for additional commercial businesses. Vice-Mayor Webb asked how long the building in question had been a commercial space. Mr. Collins stated that it had been designated as a Planned Development for approximately ten (10) years; however, prior to the adoption of any zoning, it had been utilized as a small neighborhood grocery store. Mr. Collins stated that when the property was annexed into the City, it had been brought in as a standard residential, but used as commercial. Director Kumpuris stated that he grew up in the area and the property had been utilized as a non-residential use for as long as he could remember.

Mr. Collins stated that according to the Code, massage therapy was listed under Health Studio or Spa, which was a defined use. Mr. Collins stated that massage therapy was allowed as a Conditional Use in O-2, Office and Institutional District, and O-3, General Office District, zoning. City Manager Moore stated that based on the Code, staff did not have the authority to amend a Planned Development and it had to be brought to the Board for action.

Director Kumpuris made the motion, seconded by Director Hines, to call the question on the vote. By roll call vote, the vote was as follows: Ayes: Peck; Hines; Wright; Wyrick; Kumpuris; Fortson; Adcock; and Vice-Mayor Webb. Nays: Hendrix and Richardson. By a vote of eight (8) ayes and two (2) nays, **the question to vote was called.**

By roll call vote, the vote was as follows: Ayes: Peck; Hines; Wright; Wyrick; Kumpuris; Fortson; Adcock; and Vice-Mayor Webb. Nays: Hendrix and Richardson. By a vote of eight (8) ayes and two (2) nays, **the ordinance was approved.**

## **REPORTS (Item 22)**

**22. REPORTS:** 2<sup>nd</sup> Quarter Financial Report – Sara Lenehan, Finance Department Director

City Manager Moore stated that due to the late hour, the 2<sup>nd</sup> Quarter Financial Report would be deferred until the November 14, 2017, Board of Directors Agenda Meeting.

In regards to the Campaign Financing/Exploratory Committees issue, Director Hines stated that he felt the City should request a declaration from the Circuit Court. City Attorney Carpenter stated that he had sent out a memorandum that outlined four (4) options that the City could take; one of which was to request that the Ethics Commission address the issue, which they did not. City Attorney Carpenter stated that the other three (3) options included: seeking a Declaratory Judgement action; repealing the current City ordinance; and/or a request for an Attorney General's opinion. City Attorney Carpenter stated that the only way to legally obtain a definite answer would be from a Declaratory Judgement action. Director Adcock stated that she would like to ask that clarification regarding any carryover campaign funds and surplus monies be included in the Declaratory Judgement.

Director Fortson made the motion, seconded by Director Hines, to direct the City Attorney to file a Declaratory Judgement action on the issue of Campaign Financing and Campaign Finances.

By roll call vote, the vote was as follows: Ayes: Peck; Hines; Wright; Wyrick; Kumpuris; Fortson; Adcock; and Vice-Mayor Webb. Nays: Hendrix. Absent: Richardson. By a vote of eight (8) ayes, one (1) nays and one (1) absent, **the motion was approved.**

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

**ATTEST:**

**APPROVED:**

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**Susan Langley, City Clerk**

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**Mark Stodola, Mayor**