

**Little Rock Board of Directors Meeting  
September 20 2016  
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a regular meeting with Mayor Mark Stodola presiding. City Clerk Susan Langley called the roll with the following Directors present: Hendrix; Richardson; Webb; Cazort; Wright; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Hines; and Mayor Stodola. Director Brad Cazort delivered the invocation, which was followed by the Pledge of Allegiance.

**PRESENTATIONS**

Golden Eagle Budweiser Clydesdales  
Welcoming Week Proclamation  
Bill and Hillary Clinton National Airport Update

**CONSENT AGENDA (Items 1 – 7)**

1. **MOTION:** To approve the minutes of the February 16, 2016, and March 1, 2016, Little Rock City Board of Directors Meetings.
  
2. **RESOLUTION NO. 14,414:** To authorize the City Manager to enter into a contract with Oakley Fertilizer, Inc., for the purchase of Treated Rock Salt in bulk for the Public Works Department Operations Division; and for other purposes. *Staff recommends approval.*  
**Synopsis:** Approval of a resolution authorizing the City Manager to enter into a contract with Oakley Fertilizer, Inc., for the purchase of treated rock salt at \$115.00 per ton as needed, for the Public Works Department - Operations Division, for adverse winter weather preparations.
  
3. **RESOLUTION NO. 14,415:** To authorize the City Manager to enter into a contract with Gene Summers Construction, Inc., in an amount not to exceed \$194,941.20, for the Ledgelawn Drive Drainage Rehabilitation 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 Gene Summers Construction, Inc., for Ledgelawn Drive Drainage Rehabilitation, Project No. 13-5-101, Bid No. 16025. (Located in Ward 5)
  
4. **RESOLUTION NO. 14,416:** To authorize the City Manager to enter into a contract with Emergency Vehicle Specialists, in the amount of \$78,872.00, for the purchase of sixteen (16) Scott Airpak 75 units to be used by the Pulaski County Regional Hazmat Team; and for other purposes. *Staff recommends approval.*  
**Synopsis:** The Little Rock City Manager's Office/Emergency Management Division is committed to improving hazardous materials response operations throughout the city. In order to accomplish this goal, the City Manager's Office/Emergency Management Division proposes the purchase of sixteen (16) Scott Airpak 75 for use by the Pulaski County Regional Hazmat Team which includes: Little Rock Fire Hazmat; North Little Rock Fire Hazmat; Pulaski County Hazmat; and Conway Fire Hazmat. Emergency Vehicle Specialists was the lowest responsible bidder (City Bid No. 16142).

**5. RESOLUTION NO. 14,417:** To make appointment to the Arkansas Arts Center Board of Trustees; and for other purposes.

**Synopsis:** Appointment of Diane Jonsson to fill the unexpired term of Kyle Stroud, said term to expire on June 30, 2019.

**6. RESOLUTION NO. 14,418:** To restate and confirm the appointment and reappointment of members to the City of Little Rock, Arkansas (Heifer Project International) Public Facilities Board; and for other purposes.

**Synopsis:** Appointment of Gary Parrish, said term to expire on December 31, 2017. Appointment of Elizabeth Small, said term to expire on December 31, 2018. Appointment of Sherman Tate, said term to expire on December 31, 2019. Appointment of Marla Johnson Norris, said term to expire on December 31, 2021. Appointment of Cindy Conger, said term to expire on December 31, 2020.

**7. RESOLUTION NO. 14,419:** To authorize the City Manager to enter into a Towing Service Contract with each company that responded successfully to the City's Request for Qualifications; and for other purposes. *Staff recommends approval.*

**Synopsis:** Authorizes the City Manager to enter into contracts with each wrecker service company that responded successfully to the City's Request for Qualifications.

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

#### **GROUPED ITEMS (Items 8 - 10)**

**8. ORDINANCE NO. 21,302; Z-6734-F:** To approve a Planned Zoning Development and establish a Planned Residential District, titled Deal Revised Short-Form PD-R, located at 909 Cumberland 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 applicant is proposing to revise the PD-R, Planned Development – Residential, zoning to add Office (general or professional) to the approved single-family residential use. (Located in Ward 1)

**9. ORDINANCE NO. 21,303:** To condemn certain structures in the City of Little Rock, Arkansas, as structural, fire and health hazards; to provide for summery abatement procedures; to direct City Staff to take such actions as is necessary to raze and remove said structures; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

**Synopsis:** Seven (7) residential structures in a severely dilapidated, deteriorated and/or burned condition causing a negative environmental impact on the residential neighborhoods in which it is located. All Notices have been mailed in accordance with Arkansas State Law.

**10. ORDINANCE NO. 21,304:** To amend Section 1 of Little Rock, Ark., Ordinance No. 21,279 (August 16, 2016), to correct the property description for the Arkansas Children's Hospital Pediatric Clinic Short-Form POD, located on the east side of the 9000 Block of Dailey Drive, Little Rock, Arkansas; **to declare an emergency**; and for other purposes.

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Cazort, 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 Cazort, 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 9 was approved.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 10 was approved.**

### **SEPARATE ITEMS (Item 11)**

**11. ORDINANCE; Z-8503-D:** To approve a Planned Zoning Development and establish a Planned Commercial District, titled Herrick Heights Long-Form PD-R, located on the west side of South Bowman Road, between Brodie Creek Subdivision and The Pointe at Brodie Creek Apartments, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 7 ayes; 4 nays; and 0 absent. (Deferred from February 2, 2016) (Referred back to the Planning Commission on March 1, 2016)(Deferred from July 19, 2016)(1<sup>st</sup> Reading held on July 19, 2016) Staff recommends approval.*

**Synopsis:** The applicant is requesting to rezone the site from R-2, Single-Family District, to PD-R, Planned Development – Residential, to allow a multi-phase development to include single-family, multi-family and office uses. (Located in Ward 6)

Director Adcock made the motion, seconded by Director Cazort, 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 Cazort, 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.

Tim Daters: Stated that he was a Consulting Engineer with White Daters & Associates, and explained that the proposed project was a seventy-four (74)-acre mixed-use development plan, located on the west side of Bowman Road. Mr. Daters stated that the mixed-use portion of the development would be O-1, Quiet Office, with a total of approximately 10.8 acres. The multi-family area would cover approximately 21.75 acres, the open space/buffer areas would totaled approximately 11.75 acres and the remaining portion would be single-family residential development. Mr. Daters stated that with that development, along with the other projects that the developer, Keith Richardson, had constructed along Bowman Road, approximately 1,600 feet of Bowman Road would be widened to three (3) lanes with sidewalks, over ¼ of Bowman Road would be completed to full Minor Arterial standards and over 800 feet of West 36<sup>th</sup> Street would be widened to three (3) lanes; for a total investment of approximately \$3 Million dollars. Mr. Daters stated that prior to the Planning Commission Meeting in May, Mr. Richardson met with the residents and the Property Owner's Association (POA) in the Brodie Creek Neighborhood and as a result of the meeting, Mr. Richardson agreed to a fifty (50)-foot buffer adjacent to the single-family homes in Brodie Creek, and had agreed that the proposed lots and single-family homes located immediately to the south of Brodie Creek, would be compatible to the lots and homes in Woodlands Edge and Brodie Creek. In addition, Mr. Richardson agreed to other deed restrictions and to construct a traffic

circle/roundabout at the intersection of Bowman Road and Brodie Creek Trail. Mr. Daters stated that during the meeting with the Brodie Creek POA, they supported the amended proposal by a vote of 36 for, 16 against, 4 with no opinions and 26 abstentions.

Grant Cox, 111 Center Street, Suite 1900: Stated that he was with Quattlebaum, Grooms & Tull, and was serving as legal counsel for the Mr. Richardson. Mr. Cox stated that in addition to the Brodie Creek POA, the Woodlands Edge POA had voted to support the plan. Mr. Cox stated that Mr. Richardson had agreed to execute a Declaration of Restrictions, which would incorporate a number of the provision in the application and provide stricter provisions in some areas.

Casey Covington, 12306 Cherry Laurel Drive: Stated that he was not in opposition to apartments or the property in question; however, he was opposed to the over-concentration of apartments in a single area of the City. Mr. Covington stated that the biggest concern was the traffic along Bowman Road, specifically at the intersection of Bowman Road & 36<sup>th</sup> Street and Bowman Road & Executive Center Drive.

Ann Marshall, Deerberry Forest Circle: Stated that in regards to the Brodie Creek POA support, there had been three (3) different votes over the past year. Ms. Marshall stated that the first vote was taken in Janaury with the clear majority of the neighborhood voting no against the proposal and rezoning. Ms. Marshall stated that Mr. Richardson met privately with the POA Board on numerous occasions. The second vote was taken and again the majority was not supportive of the proposal. A third vote was taken in May and a large number of individuals protested by no voting at all. Ms. Marshall asked that the Board deny the application.

David Shipley, 33 Woodstream Cove: Stated that he was a resident of Woodlands Edge and was opposed to the proposal and asked that the Board deny the application.

Lacie Covington, 12306 Cherry Laurel Drive: Stated that if the rezoning request was approved, there would be 1,565 apartments in a one (1)-mile stretch of Bowman Road. Ms. Covington stated that she was not opposed to development, but to the over-concentration of apartments. Ms. Covington asked the Board to not support the rezoning of the property.

Jamie Shipley, 33 Woodstream Cove: Stated that Mr. Richardson, along with his legal counsel, had misrepresented the position of the residents in Woodlands Edge. Ms. Shipley stated that Woodlands Edge POA Board initially approved the project; however, that was before they visited with the residents in the neighborhood. Ms. Shipley stated that since that time, Greg Jones, the Woodlands Edge POA President, said that they had withdrawn their support and were not taking a position. Ms. Shipley stated that Bowman Road was in terrible condition and the traffic was a major issue.

Keith Smith, 31 Deerberry Forest Circle: Stated that the single-largest investment that one made was the purchase of a home and that over-saturation of apartments in the area would lower property values of the neighboring homes. Mr. Smith asked that the Board vote against the Herrick Heights proposal.

Melissa Smith, 31 Deerberry Forest Circle: Stated that she was opposed to the proposal and asked that the Board deny the application.

Rob Sherer, 3428 Buckhorn Trail: Stated that he was a resident of Woodlands Edge and he had many concerns about the public safety along Bowman Road. Mr. Sherer stated that the existing condition of Bowman and Kanis Roads was poor and the addition of more cars was a matter of public safety that needed to be addressed.

Director Kumpuris asked for an overview of the proposed project. Planning & Development Department Director Tony Bozynski stated that staff looked at what was proposed and the Land Use Plan and felt that the transition between the various Land Use Plans would be appropriate. Director Wyrick asked how the property was designated as residential. Mr. Bozynski stated that any property annexed into the City normally annexed in as R-2, Single-Family Residential, unless there was an existing plan for the property. In regards to the Declaration of Restrictions, Director Wyrick asked for an explanation regarding the section titled Modifications & Cancellations. City Attorney Tom Carpenter stated that it indicated that there would not be any changes upon the agreement until there was a majority vote by Brodie Creek POA and Woodlands Edge POA. City Attorney Carpenter reported that there was language included that stated they could negotiate for changes and not be bound by certain decisions of the Arkansas Supreme Court. City Attorney Carpenter stated that the Declaration did not mean anything as the Agreement was not in place. City Attorney Carpenter stated that if the ordinance was passed without the Agreement being in place, there would be no guarantee that the Agreement would apply.

By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Kumpuris; and Vice-Mayor Hines. Nays: Webb; Cazort; Wright; Wyrick; Fortson; and Adcock. By a vote of four (4) ayes and six (6) nays, **the ordinance failed.**

#### **PUBLIC HEARINGS (Items 12 – 13)**

**12. RESOLUTION NO. 14,420:** To approve the sources and uses of the projected 2017 CDBG, HOME and HOPWA Funds for inclusion in the City's Annual Plan; and for other purposes. *Staff recommends approval.*

Mayor Stodola opened the public hearing.

Director Adcock made the motion, seconded by Director Cazort, to approve the resolution.

Mayor Stodola 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 unanimous voice vote of the Board Members present, **the resolution was approved.**

**13. ORDINANCE NO. 21,305:** To establish and lay off City of Little Rock Municipal Property Owners' Multipurpose Improvement District No. 2016-323 (Denny Road Project); **to declare an emergency;** and for other purposes.

Mayor Stodola opened the public hearing.

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Cazort, 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 Cazort, 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 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 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.**

### **CITIZEN COMMUNICATION**

Phillip Bryant: Stop Sign.

Omari Shukur: Request ordinance to declare possession of marijuana possession as the lowest low enforcement priority.

Director Cazort made the motion, seconded by Director Richardson, 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**