

**Little Rock Board of Directors Meeting
September 16, 2014
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a regular meeting with Mayor Mark Stodola presiding. Assistant City Clerk Toya Robinson called the roll with the following Directors present: Hendrix; Richardson; Hurst (enrolled at 6:12 PM); Cazort; Hines; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Wright; and Mayor Stodola. Director Brad Cazort delivered the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS

Crime Stoppers Month Proclamation

REMOVAL:

4. ORDINANCE: To condemn a certain structure in the City of Little Rock, Arkansas, as structural, fire and health hazards; providing for summary abatement procedures; directing the City Manager to take such action as is necessary to raze and remove said structure; **to declare an emergency;** and for other purposes. *Staff recommends approval. (Deferred from August 19, 2014)*

Synopsis: The commercial structure located at 3523 Asher Avenue has become run-down, dilapidated, unsightly, dangerous and detrimental to the public welfare of the citizens of the City of Little Rock.

Mayor Stodola stated that the structure located at 3523 Asher Avenue had already been demolished and could be removed from the agenda. Director Hines made the motion, seconded by Director Richardson, to remove Item 4 the Agenda. By unanimous voice vote of the Board Members present, **Item 4 was removed from the Agenda.**

CONSENT AGENDA (Items 1 - 2)

1. RESOLUTION NO. 13,963: To authorize the City Manager and City Clerk to execute a Third Lease Amendment to the lease between the City of Little Rock and the Board of Trustees of the University of Arkansas, acting for and in behalf of the University of Arkansas for Medical Sciences College of Medicine – Department of Pediatrics, Head Start Program, in order to extend the lease for a period commencing on October 1, 2014, and continuing through September 30, 2016; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution to authorize the City Manager and City Clerk to execute the Third Lease Amendment between the City and the Board of Trustees of the University of Arkansas, acting for and on Behalf of the University of Arkansas For Medical Sciences College of Medicine – Department of Pediatrics, Head Start Program, in order to extend the Lease for a period commencing on October 1, 2014, and continuing through September 30, 2016, upon the same terms and conditions as the original Lease Agreement and subsequent amendments.

2. RESOLUTION NO. 13,964: To authorize the City to request a Parks and Tourism Grant for the benefit of the Little Rock Advertising & Promotion Commission to conduct a feasibility study for an indoor multi-sports facility; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution to authorize the City of Little Rock to apply on behalf of the Little Rock Convention and Visitors Bureau (LRCVB) for a Tourism Feasibility Grant from the Arkansas Department of Parks and Tourism to conduct a study regarding an indoor sports complex.

Vice-Mayor Wright asked for a presentation regarding Item 2. Little Rock Convention & Visitors Bureau Executive Director Gretchen Hall stated that the request was for the City to partner with the Little Rock Convention & Visitors Bureau (LRCVB) to apply for a Feasibility Study Grant through the Arkansas Department of Parks & Tourism for a multi-purpose indoor multi-sports facility. Ms. Hall stated that grant required that the City make the application on behalf of LRCVB. Ms. Hall stated that the sports market was a large tourism market for LRCVB and generated the most tourism revenue for the area. Ms. Hall reported that the previous year, the sports market had generated approximately 55,000 contracted room nights, which accounted for over 350,000 attendees into the destination. Director Adcock asked if funding had been identified. Ms. Hall stated that funding had not been identified, and that the feasibility study was would determine if such a facility would be a benefit to the area.

Director Richardson made the motion, seconded by Director Cazort, to approve the Consent Agenda. By voice vote of the Board Members present, with Director Adcock voting in opposition to Item 2, **the Consent Agenda was approved.**

SEPARATE ITEMS (Items 3 and 5 - 8)

3. RESOLUTION: To amend Little Rock, Ark., Resolution No. 11,369 (September 3, 2002) to permit the Junior League of Little Rock to make changes to the windows in the Women's City Club that would otherwise be prohibited by a Historic Façade Grant from the City; and for other purposes. *Staff recommends denial.*

Synopsis: A resolution to allow modification of the windows at the Women's City Club.

Mayor Stodola stated that he had spoken with individuals that were both for and against the changes and that unfortunately there was conflicting information and that he personally did not have enough information to make a decision. Mayor Stodola stated that he understood that there might be a motion made to defer the item for two (2) weeks and asked the Board if anyone wanted to make such a motion.

Director Adcock made the motion, seconded by Vice-Mayor Wright to defer the item until the first meeting in October.

Mayor Stodola stated that due to the fact that there was conflicting information, he would like to have someone that was acceptable to the City provide the Board with good, honest information.

Director Hurst stated that her relationship with the Junior League had been questioned, sue to the fact that she was a Sustaining Member and had contributed to the structure.

Director Hurst stated that the question had been asked if she should recuse on the vote; however, according to City Attorney Tom Carpenter, she did not have to recuse.

Director Hendrix made the motion, seconded by Director Kumpuris, to call the question to vote. By voice vote of the Board Members present, with Director Richardson voting in opposition, **the question to vote was called.**

By roll call vote, the vote was as follows: Ayes: Hurst; Wyrick; Adcock; and Vice-Mayor Wright. Nays: Richardson; Cazort; Hines; Kumpuris; and Fortson. Present: Hendrix. When asked if she wanted to change her vote, Director Hendrix stated that she would change her vote from Present to Aye. By a vote of five (5) ayes and five (5) nays, **the motion to defer failed.**

Director Hines stated that he had tried to get the Mayor's attention before the vote to defer was taken and that he would be willing to support the motion if a 3rd party arbitrator or mediator was utilized. Director Hines made the motion, seconded by Vice-Mayor Wright to defer the item until October 6, 2014, if a 3rd party arbitrator or mediator was utilized.

Director Cazort stated that he was not supportive of mandating such a condition on the Junior League to utilize a mediator.

Vice-Mayor Wright made the motion, seconded by Director Hendrix, to call the question to 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; Hurst; Hines; Wyrick; Adcock; and Vice-Mayor Wright. Nays: Cazort; Kumpuris; and Fortson. Present: Richardson. When asked if he wanted to change his vote, Director Richardson stated that he would change his vote from Present to Nay. By a vote of six (6) ayes and four (4) nays, **the motion to defer was approved.**

5. ORDINANCE NO. 20,934: To condemn certain structures in the City of Little Rock, Arkansas, as structural, fire and health hazards; providing for summary abatement procedures; directing the City Manager 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: Two (2) commercial structures that have become run-down, dilapidated, unsightly, dangerous and detrimental to the public welfare of the citizens of the City of Little Rock.

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.

Vice-Mayor Wright asked if an assessment had been made of the property located at 1924 South Commerce Street to determine the historic value of the structure. Planning & Development Department Director Tony Bozynski stated that the property was not located within any type of Historic District and was not listed individually on the National Register of Historic Places. Director Fortson stated that he was not comfortable condemning the property until a determination had been made regarding the historical significance of the structure.

Director Fortson made the motion, seconded by Director Richardson, to remove the property located at 1924 South Commerce Street from the condemnation ordinance for ninety (90) days until the historical significance of the property could be determined.

Director Hendrix stated that according to Entergy Corporation, there had not been electricity to the structure in over thirty (30) years and the Pettaway Neighborhood Association was in support of the building being demolished.

Director Adcock made the motion, seconded by Director Hendrix, to hear comments from the individuals that were present that had filled out cards to speak regarding the property. City Attorney Carpenter stated that due to the fact that the discussion was open, a motion was not needed to hear from the individuals present.

By voice vote of the Board Members present, with Director Hendrix voting in opposition, **1924 South Commerce Street was removed from the condemnation ordinance.**

Vice-Mayor Wright asked what the estimate was for demolition of the property located at 8500 Mize Road. Mr. Bozynski stated that staff did not move forward with bids for demolition until the Board took action. Director Hurst asked about the notification history. Mr. Bozynski stated that the initial notice was given in November 2013 and to-date, staff had received no response from the owner.

Nan Howard, 2 Hogan Drive: Stated that she lived a block from the property located at 8500 Mize Road. Ms. Howard stated that the building had been vacant for the last ten (10) years and had become a haven for drug and criminal activity. Ms. Howard asked the Board to support demolishing the structure.

Pat Gee, 8409 Dowan Drive: Stated that criminal activity had moved into and around the property and asked that the Board approve the demolition.

Director Hurst stated that she could see the need to condemn the property and to demolish the structures; however, she was concerned about the cost. Director Hurst asked if within the next three (3) weeks it would be possible to get an estimate of the cost for demolition. Mr. Bozynski stated that staff would be able to obtain an estimate for demolition. Director Hurst stated that she was supportive of removing the structure; however, she could not support Board action without having an idea of the cost.

Director Hurst made the motion, seconded by Vice-Mayor Wright, to defer Board action on the property located at 8500 Mize Road so that staff could obtain an estimate for demolition.

Director Richardson stated that the property was located in his Ward and had become a magnet for criminal activity and that he was not in support of the motion.

Director Hurst stated that she would like to amend her motion to leave the property on the condemnation ordinance; however, should the cost be more than \$100,000.00, it would come back before the Board for action. Mayor Stodola stated that because it was new motion, the original motion would have to be withdrawn. Director Hurst stated that she would like to withdraw her original motion of deferral for three (3) weeks. Vice-Mayor Wright stated that she would withdraw her second of the original motion.

Director Hurst made the motion that if the demolition cost for 8500 Mize Road exceed \$100,000.00, it would come back before the Board for approval. City Attorney Carpenter stated that if the contract for demolition were over \$50,000.00, it would have to come back before the Board for approval, so that motion would not be necessary. Director Hurst stated that she would withdraw her motion.

By unanimous voice vote of the Board Members present, **the ordinance as amended was approved.** By unanimous voice vote of the Board Members present, **the emergency clause was approved.**

6. ORDINANCE NO. 20,935; Z-7607-A: To approve a Planned Zoning Development and establish a Planned Commercial District titled Chateaus on Stagecoach Short-Form PCD, located on Stagecoach Road at Chateaus Lane, 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. (Deferred from August 5, 2014) (Deferred from September 2, 2014)*
Synopsis: The request is to re-establish the PCD, Planned Commercial Development, zoning for Lots A and B Chateaus on Stagecoach Road and revise the site plan for Lot B to allow Lot B to develop with a retail business and allow Lot A to develop as previously-approved with a branch bank.

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

Deadria Lockett, 28 Chateaus Lane: Stated that she lived in the area and represented the neighborhood. Ms. Lockett stated that due to the fact that Family Dollar Corporation was in the midst of a corporate bidding war between Dollar Tree Stores and Dollar General, Inc., any agreement made by Family Dollar in making the store site more palatable to the neighborhood might be rendered void by ownership changes. Ms. Lockett stated that she had a petition signed by eighty-seven (87) residents asking that the application be denied.

Director Hines asked for clarification of the underlying land use for the property. Mr. Bozynski stated that the Land Use Plan indicated the property to be utilized mixed-use. Director Hines asked about the zoning of the property. Mr. Bozynski stated that the

property was designated as an expired Planned Commercial Development and the request was to re-establish the designation. Director Hines asked for a list of allowable uses for Mixed-Use Development. Mr. Bozynski stated that the uses were typically Office, Commercial and from time-to-time Residential.

Tim Spainhour: Stated that he represented MGC Properties, which was the applicant for the property. Mr. Spainhour reported that ten (10) years prior, he had appeared before the Board to have the zoning of the property changed from R-2, Single-Family, to PCD, Planned Commercial Development, to create two (2) lots and allow for a mixed-use development for a bank (Lot A) and fast food restaurant (Lot B). Mr. Spainhour stated that the development for Lot B never occurred and the PCD Zoning had expired. Mr. Spainhour stated that earlier in the year, the opportunity presented itself to construct a Family Dollar Store on Lot B. Mr. Spainhour stated that he had worked with staff to make changes to the original plan to address concerns that had been communicated to them by the community. Mr. Spainhour reported that he had met with representatives from Family Dollar and that they had agreed to implement all the changes that were requested. Mr. Spainhour asked that the Board approve the application that would reflect the change from fast food restaurant to commercial on Lot B and to renew the banking designation on Lot A.

Director Adcock asked if Family Dollar did sell to Dollar Tree or Dollar General, would the new owner be held to the same standards. City Attorney Carpenter stated that the ordinance for a Planned Development allowed for the site plan to be reviewed within a certain period of time and if the site plan or development was not completed within a three (3)-year period, the Board could repeal the Planned Development.

Director Wyrick stated that at one of the neighborhood meetings, the applicant had agreed to provide a passive gate to the subdivision and that the neighborhood would maintain the gate upon approval from the City. Director Wyrick asked if the applicant was still prepared to offer the gate. Mr. Spainhour stated that as a concession to the residents of Chateaus Lane, in exchange for not opposing the application, he had offered a substantial amount towards the installation of the gate. Mr. Spainhour stated that he had done due diligence and had obtained quotes and determined a design location. Mr. Spainhour stated that the gate cost itself was approximately \$20,000 - \$25,000, depending on the actual final design. Mr. Spainhour stated that he had contacted the City's Traffic Engineering Division and was told that the requirement was for the gate to be moved beyond the turn-around so that if the gate failed to open, traffic would be able to turn around. Mr. Spainhour stated that as a result, one (1) of the homes would be left outside the gated area and that the gate would have to be constructed on private property. Mr. Spainhour stated that he had dropped the pursuit of the gate once he was told that the residents were going to oppose the application anyway.

Carla Spainhour: Stated that she was one of the owners of MGC Properties and that they were willing to place \$20,000 in an escrow account and let the neighbors decide if they wanted to move forward with the process for the consideration for the gate.

Vice-Mayor Wright made the motion, seconded by Director Cazort, to call the question on the vote. By unanimous voice vote of the Board Members present, **the question to vote was called.**

By voice vote of the Board Members present, with Vice-Mayor Wright and Directors Adcock and Wyrick voting in opposition, **the ordinance was approved.**

7. ORDINANCE NO. 20,936: To condemn certain structures in the City of Little Rock, Arkansas, as structural, fire and health hazards; providing for summary abatement procedures; directing 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: Nine (9) 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.

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. 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.**

8. ORDINANCE NO. 20,937: To authorize the issuance and sale of Sewer Refunding Revenue Bonds; providing for the payment of the principal of and interest on the Bonds; prescribing other matters relating thereto; **declaring an emergency;** and for other purposes.

Director Fortson stated that since he was a Director and Shareholder in one of the companies involved in the Bonds, he would be recusing from participating in the discussion and vote on the item.

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. By voice vote of the Board Members present, with Director Fortson recusing, **the ordinance was approved.** By voice vote of the Board Members present, with Director Fortson recusing, **the emergency clause was approved.**

DISCUSSION (Item 9)

9. DISCUSSION: 2518 & 2522 Maple Street

Interim Assistant City Manager Caran Curry stated that at a previous meeting, the Board had requested that the owner provide a status report regarding the rehabilitation of the properties. Director Hendrix stated that for the past six (6) years, she had been contacted on a regular basis by residents in the area that wanted the structures demolished. Director Hendrix asked if the owner had purchased the properties and was in receipt of the deeds to the properties.

Pascual Remes, 2512 South Maple Street: *(Through interpretation by the City's Communications and Marketing Manager Luis Gonzalez)* Mr. Remes stated that he did own the properties and had already obtained the permits to begin the rehabilitation and repair process. Mr. Remes stated that he would first begin on the interior rehabilitation of 2522 Maple Street and expected to have both structures painted and new windows installed by December 2014. Mr. Remes stated that he would begin the interior rehabilitation of 2518 Maple Street in January 2015 and expected to have it completed within four (4) months.

CITIZEN'S COMMUNICATION

Cheryl Warden, 2723 South Chester Street: Citizen Reminders & Thank You City Little Rock

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

ATTEST:

APPROVED:

Toya Robinson, Assistant City Clerk

Mark Stodola, Mayor