

**Little Rock Board of Directors Meeting
February 19, 2013
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; Hurst; Cazort; Hines; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Wright; and Mayor Stodola. Director Fortson delivered the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS

Entergy Storm Recovery Update – Hugh McDonald, Entergy Arkansas President & CEO
Keep Little Rock Beautiful Citywide Clean-Up Presentation

ADDITIONS:

M-1 RESOLUTION: To authorize the Mayor and City Clerk to execute appropriate documents to acquire residential property located at 1021 Van Buren Road to be used as park property for future War Memorial Park development, for the purchase price of \$69,000.00; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution authorizing Mayor and City Clerk to execute appropriate documents to acquire property at 1021 Van Buren Road for use as park property in War Memorial Park.

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

REMOVAL:

2. RESOLUTION: To authorize the City Manager to execute a Public Agency Service Agreement with the City of Cammack Village, Arkansas, to provide residential bulk waste collection service; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution authorizing the City Manager to execute a Public Agency Service Agreement with the City of Cammack Village to provide residential bulk waste collection service. This agreement would have a term of one (1)-year beginning on the date of execution of the agreement by both parties.

DEFERRALS:

11. ORDINANCE; LU13-18-01: To amend the Land Use Plan in the Ellis Mountain Planning District at Lawson and Hugh Taylor Roads, in the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; 1 absent; and 1 open position. Staff recommends approval. (Deferred at the applicant's request)*

Synopsis: To approve Land Use Plan changes Hugh Taylor and Lawson Roads.

12. ORDINANCE; Z-7780-A: 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: 9 ayes; 0 nays; 1 absent; and 1 open position. Staff recommends approval. (Deferred at the applicant's request)*

Synopsis: Little Rock Quarries, owner of the 25.83-acre property located at 23400 Hugh Taylor Road, is requesting to rezone the property from R-2, Single-Family District, to M, Mining District, with that portion of the property in the floodway to be zoned OS, Open Space District.

16. ORDINANCE; Z-5787-C: To approve a Planned Zoning Development and establish a Planned Commercial District titled Whole Foods Revised Short-Form PCD, located on the northeast corner of Chenal Parkway and Bowman Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 7 ayes; 2 nays; 0 absent; 1 abstention; and 1 open position. Staff recommends denial. (Item deferred until April 2, 2013, at the applicant's request)*

Synopsis: The request is to amend the previously-approved PCD, Planned Commercial District, to add a food store as an allowable use for the site, to allow for a fifteen (15)-foot expansion to the existing loading dock and add additional storage area to the rear of the loading dock.

City Manager Bruce Moore stated that a couple of items needed to be verified for Item 1 and asked that it be deferred for two (2) weeks.

1. RESOLUTION: To make Board of Directors and Mayoral Liaison/Member appointments to represent the City of Little Rock Boards and Commissions; and for other purposes.

Director Cazort made the motion, seconded by Director Adcock, to add Item M-1 to the Consent Agenda, to defer Item I for two (2) weeks, to remove Item 2 from the Agenda, to defer Items 11 & 12 until a later date and to defer Item 16 until April 2, 2013. By unanimous voice vote of the Board Members present, **Item M-1 was added to the Consent Agenda, Item 1 was deferred for two (2) weeks, Item 2 was removed from the Agenda, Items 11 & 12 were deferred until a later date and Item 16 was deferred until April 2, 2013.**

CONSENT AGENDA: (Items 2 – 6 & Item M-1)

2. RESOLUTION: To make Board of Directors and Mayoral Liaison/Member appointments to represent the City of Little Rock Boards and Commissions; and for other purposes.

3. RESOLUTION NO. 13,648: To authorize the City Manager to enter into a contract with Sunbelt Fire for the purchase of one (1) E-One Cyclone II as a Fire Pumper Apparatus for the Little Rock Fire Department, in the amount of \$474,000.00, utilizing the Houston-Galveston Area Council Cooperative Purchasing Agreement; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Project Funds) Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with Sunbelt Fire in the amount of \$474,000.00 to purchase one (1) E-One Cyclone II as a Fire Pumper Apparatus for the Little Rock Fire Department.

4. RESOLUTION NO. 13,649: To authorize the City Manager to enter into a contract with Peterson Industries, Inc., in the amount of \$122,807.46, for the purchase of one (1) Knuckleboom Truck for the Housing and Neighborhood Programs Department, utilizing the National Joint Power Alliance Contract; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Project Funds) Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with Peterson Industries, Inc., in the amount of \$122,807.46 for the purchase of one (1) Knuckleboom truck for the Housing and Neighborhood Programs Department.

5. RESOLUTION NO. 13,650: To authorize the City Manager to enter into a contract with Rose Company Builders for the renovation of the tiger exhibit at the Little Rock Zoo; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution authorizes the City Manager to execute a contract in the amount of \$244,530, plus 10% authorized for possible change orders, with Rose Company Builders for renovation and upgrades to the existing tiger exhibit including fencing, pool, rock wall terraces, and landscaping.

6. RESOLUTION NO. 13,651: To authorize the Mayor and City Clerk to execute appropriate documents to acquire residential property located at 803 Van Buren Street, for a purchase price of \$80,000.00, for use as park property in War Memorial Park; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution authorizing Mayor and City Clerk to execute appropriate documents to acquire property at 803 Van Buren Street for use as park property in War Memorial Park.

M-1 RESOLUTION NO. 13,652: To authorize the Mayor and City Clerk to execute appropriate documents to acquire residential property located at 1021 Van Buren Street to be used as park property for future War Memorial Park development, for the purchase price of \$69,000.00; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution authorizing Mayor and City Clerk to execute appropriate documents to acquire property at 1021 Van Buren Street for use as park property in War Memorial Park.

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

GROUPED ITEMS (Items 7 - 10 and Item 13)

Mayor Stodola stated that he had received cards from individuals that wanted to speak in regards to Item 8 and asked that the item be read separately.

7. ORDINANCE NO. 20,694: To amend Little Rock, Ark., Ordinance No. 17,779 (July 7, 1998) to decrease the size of the Construction Board of Adjustments and Appeals from seven (7) to five (5) members; and for other purposes. *Staff recommends approval.*

Synopsis: In 1998, the Building, Electrical, Plumbing and Mechanical Appeal Boards were consolidated into one to create the current seven (7)-member Construction Board of Adjustments and Appeals. Due to the lack of cases that are brought before the Board, it is recommended that the Board be reduced in membership to five (5) positions.

9. ORDINANCE NO. 20,696; Z-3371-TT: To approve a Planned Zoning Development and establish a Planned Commercial District titled Interstate 430 Shoppers Mall Long-

Form PCD, located at 11900 Colonel Glenn Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; 0 absent; and 1 open position. Staff recommends approval.*

Synopsis: The request is a rezoning from C-2, Shopping Center District, and C-3, General Commercial District, to PCD, Planned Commercial District, to allow for the redevelopment of this site with automobile sales and an associated collision center.

10. ORDINANCE NO. 20,697; Z-4343-CC: To approve a Planned Zoning Development and establish a Planned Office District titled Leisure Arts Facility Long-Form POD and revoking the PCD zoning for a portion of the property, located at 5701 Ranch Drive, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; 0 absent; and 1 open position. Staff recommends approval.*

Synopsis: The request is to rezone the property from PCD, Planned Commercial District, to POD, Planned Office District, and revoke a portion of the PCD zoning. As a part of the request the applicant is seeking approval of the creation of three (3) lots.

13. ORDINANCE NO. 20,698; Z-8814: To approve a Planned Zoning Development and establish a Planned Residential District titled Green Design Construction Company Short-Form PD-R, located on the northwest corners of 18th Street and Wilson Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; 0 absent; and 1 open position. Staff recommends approval.*

Synopsis: The request is a rezoning from R-2, Single-Family, to PD-R, Planned Development Residential, to allow for the construction of three (3) buildings of duplex housing on six (6) platted lots.

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Hurst, 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.**

SEPARATE ITEMS (Items 8, 14 & 15 and Items 17 - 24)

8. ORDINANCE NO. 20,695: To condemn certain structures in the City of Little Rock 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: The four (4) commercial structures 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.

Lee Jordan, 5410 South University Avenue: Stated that when he became aware that his property, located at 5410 South University Avenue, had been condemned, he visited with Code Enforcement Staff to determine what action he needed to take. Mr. Jordan stated that from January 2012 to August 2012, he had cleaned the debris from around the property and boarded and secured the building; however, in November 2012, it was vandalized and graffiti had been sprayed on the building. Mr. Jordan stated that he received the condemnation notice on January 28, 2013, and he was requesting sixty (60) days to bring the property up to code.

Mayor Stodola asked Mr. Jordan if he was the owner of the property. Mr. Jordan stated that he signed a contract to purchase the property in 2011 and had officially become the owner of the building on January 11, 2013. Director Adcock stated that the property was located across the street from the new Workforce Center, and the building was dilapidated and a negative spot in an area where development was occurring. Director Richardson asked Mr. Jordan of how he proposed to use of the property. Mr. Jordan stated that the property would house a car lot and detail shop. Director Cazort asked Mr. Jordan if he had visited with a contractor or structural engineer regarding the rehab of the building. Mr. Jordan stated that he had visited with a contractor. Director Cazort asked Mr. Jordan if had signed a purchase contract to buy the property in 2011, why it had taken him over a year before he approached the City to obtain permits. Mr. Jordan stated that he had experienced several hardships, but now that he had a contractor and a deed, he was ready to rehab the structure. Director Cazort stated that understood the need to have the owner be the one who sought an application; however, was there a process in place for an individual who had an equitable interest in a property and had a signed contract to purchase. City Attorney Tom Carpenter stated that in order to do so, the individual would have to do it as the agent of the owner and they would have to have documentation from the owner stating that they had authority to do so. City Attorney Carpenter stated that an executory contract on the purchase of land would not necessarily convey title.

Planning & Development Building Codes Manager Chuck Givens stated that on January 18, 2011, the Board had approved a PCD which rezoned the property to allow it to be redeveloped for Supreme Auto Sales and Detail Shop. Mr. Givens stated that from the time of approval, the applicant had three (3) years to develop the property. Vice-Mayor Wright asked if it was normal for the City to go back and condemn a property before the allotted time to complete the development had expired. City Attorney Carpenter stated that the City was not condemning what had been approved, only the structure that was presently located on the property. Mr. Givens stated that there were actually two (2) buildings on the property and that the structure behind the main building had completely collapsed. Mr. Givens stated that it was staff's recommendation that both buildings be removed.

Director Hurst made the motion, seconded by Vice-Mayor Wright, to remove the property from the condemnation ordinance and give Mr. Jordan sixty (60) days to bring the property into compliance. By voice vote of the Board Members present, with Director Adcock voting in opposition, **the motion was approved.**

Geoffrey Treece, 111 Center Street: Stated that he represented the ownership of the property located at 3251 Asher Avenue. Mr. Treece stated that the owner of the property currently lived out of the country and her father, who served as her agent, was out of the country as well. Mr. Treece stated that he understood that there an offer had been made on the property and he asked for a two (2)-week deferment to visit with the owner's agent. Mr. Treece stated that it was also his understanding that if the sale of the property did not occur, the owner would like to demolish the structure themselves to recover the salvage value of the material. Mr. Treece stated that the notice was sent to the last address of record; however, the owner no longer lived in the country.

Director Fortson made the motion, seconded by Director Hurst to defer action on the property for two (2) weeks. By voice vote of the Board Members present, with Directors Hendrix and Adcock voting in opposition, **the motion was approved.**

John Bullock, P.O. Box 484: Stated that the property located at 8815 Scott Hamilton Drive was owned by his father and that he was planning on demolish the structure himself and asked for additional time to do so.

Mayor Stodola stated that staff would put everything out to bid and that if he would work with staff regarding making prompt removal of the structure, it would save the City from having to complete the work.

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

14. MOTION: A motion to expunge the vote on Item 19 of the January 22, 2013, Board of Directors Meeting Agenda.

Vice-Mayor Wright stated the Board had asked the applicant to meet with the Arkansas Highway and Transportation Department (AHTD) and City Staff to develop a plan that would be agreeable to all parties, and it was her understanding that the meeting had taken place. Vice-Mayor Wright stated that it was her understanding that staff was satisfied with the plan and her reason for asking to expunge the vote was to give the applicant the opportunity to come back before the Board and present the agreement. Mayor Stodola explained that if the motion to expunge the vote passed, then the item would be brought back to this Board for discussion. Director Wyrick asked if the motion passed, would the item be discussed that evening. Mayor Stodola stated that no notice had been given and if the vote to expunge passed, the Board would have to set a subsequent hearing date.

Tim Daters, 24 Rahling Circle: Stated that he was a Consultant Engineer with White-Daters and Associates and when the item was first presented in November 2012, there was considerable discussion regarding the merits of widening State highways. Mr. Daters reminded the Board that after the discussion, then Vice-Mayor Kumpuris asked to defer the item so that the developer could meet with City Staff to develop a plan that AHTD would approve. Mr. Daters stated that they developed a plan that offered options in terms of immediate benefits, as well as sidewalks, and that it had been approved by AHTD.

Robert Warren, 6001 Tall Pine Boulevard: Stated that he was still opposed to the variance from the Master Street Plan, and that he had not seen the proposed changes.

Vice-Mayor Wright made the motion, seconded by Director Cazort, to expunge to vote. By roll call vote, the vote was as follows: Ayes: Hurst; Cazort; Hines; Kumpuris; Fortson; and Vice-Mayor Wright. Nays: Hendrix; Richardson; Wyrick; and Adcock. By a vote of six (6) ayes and four (4) nays, **the ordinance was approved.**

Mayor Stodola stated that the item would be placed on the March 5, 2013, Board Agenda for discussion.

Director Cazort made the motion, seconded by Director Richardson, for the Board to take a fifteen (15)-minute recess. By unanimous voice vote of the Board Members present, **the Board took a fifteen (15)-minute recess.**

15. ORDINANCE NO. 20,699; Z-2725-D: To repeal Ordinance No. 20,381 (January 18, 2011) titled Interstate 30 Long-Form PID and revoke a Planned Zoning District, located at 8624 Interstate 30, Little Rock, Arkansas, **to declare an emergency;** and for other purposes. *Planning Commission: 10 ayes; 0 nays; 0 absent; and 1 open position. Staff recommends approval.*

Synopsis: The request is a revocation of the previously approved PID, Planned Industrial District, zoning and the reinstatement of the previously held I-2, Light Industrial, zoning district to this property.

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

17. ORDINANCE NO. 20,700; Z-7645-A: To approve a Planned Zoning Development and establish a Planned Commercial District titled Chipotle Mexican Grill Short-Form PCD, located at 100 South University Avenue, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; 0 absent; and 1 open position. Staff recommends approval.*

Synopsis: The request is a rezoning of this property from C-3, General Commercial Development, to PCD, Planned Commercial District, to allow for the redevelopment of the site with a Chipotle Mexican Grill Restaurant.

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Richardson, 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 Richardson, 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 Kumpuris voting in opposition, **the ordinance was approved.**

Mayor Stodola stated that he thought that Items 18 and 19 could be grouped and read together.

18. ORDINANCE NO. 20,701; LU13-15-01: To amend the Land Use Plan in the Geyer Springs West Planning District in the 10700 Blocks of Woodman Street and Sardis Road, in the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; 1 absent; and 1 open position. Staff recommends approval.*

Synopsis: To approve Land Use Plan changes in the 10700 blocks of Woodman Street and Sardis Road.

19. ORDINANCE NO. 20,702; Z-8824: 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: 9 ayes; 0 nays; 1 absent; and 1 open position. Staff recommends approval.*

Synopsis: Johnnie Franklin Lawhon, owner of the 1.17-acre property located in the 10700 blocks of Sardis Road and Woodman Street, is requesting to rezone the property from R-2, Single-Family District, to C-4, Open Display District.

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

Mayor Stodola stated that he thought that Items 20 and 21 could be grouped and read together.

20. ORDINANCE NO. 20,703; LU13-24-01: To amend the Land Use Plan in the Granite Mountain/Sweet Home Planning District southeast of the Interstate 30, Interstate 530 and Interstate 440 interchange in Section 23, 24 and 26 of Township 1 North Range 12W, in the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 9 ayes; 0 nays; 1 absent; and 1 open position. Staff recommends approval.*

Synopsis: To approve Land Use Plan changes southeast of the Interstate 30, Interstate 530 and Interstate 440 Interchange in Section 23, 24, and 26 TIN R12W.

21. ORDINANCE NO. 20,704; Z-8825: 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: 9 ayes; 0 nays; 1 absent; and 1 open position. Staff recommends approval.*

Synopsis: The City of Little Rock, owner of the 136.44 acres of property located south and west of Gillam Park, is requesting to rezone the property from R-2, Single-Family District, and PR, Park and Recreation District, to M, Mining District.

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Kumpuris, 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 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 voice vote of the Board Members present, with Director Adcock voting in opposition, **the ordinance was approved.**

Mayor Stodola stated that because Items 22 and 23 related, they could be read together; however, they would be discussed separately.

22. ORDINANCE NO. 20,706; Z-8833: To approve a Planned Zoning Development and establish a Planned Commercial District titled Baker Long-Form LCD, located in the 7000 Block of Highway 300, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 6 ayes; 3 nays; 1 absent; and 1 open position. Staff recommends denial.*

Synopsis: The request is a rezoning from R-2, Single-Family, to PCD, Planned Commercial Development, to allow the use of the property with outdoor storage of boats, RV's and other recreational items.

23. ORDINANCE NO. 20,707: To amend Chapter 30 of the Code of Ordinances of the City of Little Rock, Arkansas, providing for a deferral of Master Street Plan construction requirements for Arkansas State Highway 300; and for other purposes. *Planning Commission: 9 ayes; 0 nays; 1 absent; and 1 open position. Staff recommends denial of the deferral.*

Synopsis: Authorizes a deferral of construction of approximately 640 feet of one half street improvements along Arkansas State Highway 300 as required under the Master Street Plan for five (5) years or until adjacent property is developed, whichever occurs first, for the property located in the 7000 block of Arkansas State Highway 300.

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 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.

Darrell Baker: Stated that he was the applicant and the owner of Chenal 10 Storage, which was located down the road from the property in question. Mr. Baker stated that the proposal was for a first-class RV and boat storage facility. Mr. Baker stated that the property had been zoned commercial for approximately thirty (30) years. Mr. Baker stated that there would be no office building located on the property and that they would conduct all business transactions, gate operations and the surveillance of the property from their existing office located down the road. Mr. Baker stated that they would have approximately 100 spaces on the property that would be accessible with a PIN code.

Director Adcock asked if there would be screening around the property. Mr. Baker stated that the way the storage facilities were located, the rear of the shelters would form

a screening around the premises. Planning and Development Zoning and Subdivision Manager Dana Carney stated that the ordinance required screening of the property, which could be accomplished in a variety of ways. Mr. Carney stated that the applicant would have to erect screening either in the form of solid-board fencing or dense vegetation. Mr. Carney stated that while the applicant was proposing to use the rear of the shelters as additional screening, it did not address the issue of screening from the road, and there were areas where the site was going to be visible from Highway 300. Director Cazort asked for an explanation regarding the grade of the property from the entrance on Highway 300 to the rear of the property. Mr. Baker stated that the grade was significantly lower at the highway level; however, beyond the hillside, it became quite steep. Mr. Baker stated that there was approximately 120 feet from the structure to the property line, and on the north side, there was between forty (40) to sixty (60) feet of setback that was heavily wooded. Mr. Baker stated that as a result, he didn't think there would be any need from the neighbors' standpoint to have additional screening or fencing beyond the woods that were already there.

Director Hines asked if the commercial uses of the property were currently non-conforming. Mr. Carney stated that the current uses predated the City's zoning in the area. Director Hines stated that there was a huge electrical easement on the property and asked if staff still contended that the property was suitable for R-2, Single-Family. Mr. Carney stated that staff's argument was not that the site was solely appropriate for single-family, but they did not think it was appropriate for an intensive C-4, Open Display Commercial District.

Director Kumpuris asked if the applicant could provide specifics regarding what type of fencing/screening would be utilized along the property. Mr. Baker stated that he preferred to use a black-coat, vinyl-coated chain link fence and he would like to see a trees planted along the property. Mr. Baker stated that currently at their existing facility, they had planted maple trees, within the 100-foot easement area and they kept them pruned down to within a certain height limit. Mr. Baker stated that the challenge was that the Arkansas Highway and Transportation Department's property jutted up in and around his property line; however, if he received approval, he would take care of all the overgrowth. Mr. Baker stated that he was willing to let the City tell him what type of trees and screening were best. City Attorney Carpenter stated that if the Board wanted to approve the zoning ordinance, they could request that staff work with the applicant, and an amendment could be drafted to include specific language regarding a landscaping plan.

Director Kumpuris made the motion, seconded by Director Cazort, to defer both of the items for two (2) weeks to give the applicant and staff time to determine the landscaping requirements.

City Attorney Carpenter stated that the applicant would have to consent to a deferral and show a willingness to develop a landscaping plan. Mr. Baker stated that he did not want to have to defer the items; however, he was willing to work with staff to come up with a plan to ensure the confidence of all parties involved regarding the screening and appearance of the property.

By voice vote of the Board Members present, with Directors Richardson and Adcock voting in opposition, **the Items 22 and 23 were deferred for two (2) weeks.**

Director Richardson asked if a two (2) week deferral was a do-able timeframe. City Manager Bruce Moore stated it was important to realize that when the Board stated two (2) weeks, he would either be recommending something by that Friday or at least by the following Tuesday, which really only gave staff four (4) working days to come up a plan. City Manager Moore stated that as the Board had directed, they wanted to have substantive types of discussion at the Agenda Meetings, so it would put staff in a predicament to try and get something drawn-up between that evening and the following Tuesday.

Director Kumpuris made the motion, seconded by Director Richardson, to expunge the vote on the two (2)-week deferral. By unanimous voice vote of the Board Members present, **the vote on the two (2)-week deferral was expunged.**

Director Kumpuris made the motion, seconded by Director Richardson, to defer both of the items for four (4) weeks to give the applicant and staff time to determine the landscaping requirements. By voice vote of the Board Members, **Items 22 and 23 were deferred for four (4) weeks.**

24. ORDINANCE NO. 20,705; Z-8835: To approve a Planned Zoning Development and establish a Planned Commercial District titled Magnolia Hill Long-Form PD-C, located at 5110 Stagecoach 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; 1 absent; and 1 open position. Staff recommends approval.*
Synopsis: The request is a rezoning of a portion of the applicant's property from R-2, Single-Family, to PD-C, Planned Development Commercial, to allow outdoor venues such as weddings and fund raisers. The approval is limited to the applicant's ownership.

City Attorney Carpenter stated that in regards to Section 2 of the ordinance, the approval was not transferable and was limited to the ownership of W. G. Buddy and Alda Ellis. City Attorney Carpenter stated that a phrase needed to be added that stated that upon the end of their ownership of the property, the property would revert back to R-2, Single-Family, which was what it was currently zoned.

Director Cazort made the motion, seconded by Director Adcock, to amend the ordinance to reflect the wording that the City Attorney indicated need to be added. By unanimous voice vote of the Board Members present, **the motion passed.**

Director Adcock asked if the restriction for the timeframe for fireworks was only for weddings, as the neighbors had been told. Mr. Carney stated that the the application and corresponding ordinance included the restriction that all activities were to end by 10:00 PM and that the fireworks display was limited to between the hours of 7:30 PM and 9:30 PM; however, it did not include that it was restricted to weddings only.

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

Grant Murray, 20300 Rockwood Road: Stated that he was a part of the Maintenance Staff at the Missionary Baptist Seminary, the property most adjacent to Magnolia Hill and he represented Antioch Baptist as an intern of outreach and missions, which was adjacent to the owner and proprietor of the Missionary Baptist Seminary. Mr. Murray stated for well over thirty (30) years, Mr. and Mrs. Ellis had been great neighbors, and there had never been any incidents or anything to hinder that relationship. Mr. Murray stated that they had worked with Mr. Ellis on several events and that he had hosted several functions and events for the church. Mr. Murray stated that there were currently twenty (20) apartments located at the facility of the Missionary Baptist Seminary, and they were presently at full capacity, which meant that there were approximately eighteen (18) families that lived there that had small children, as well as older members that lived there. Mr. Murray stated that whenever there was an event with fireworks, Mr. Ellis always informed them ahead of time.

Buddy Ellis, 5110 Stagecoach Road: Stated that along with his wife, Alda, they were the owners of Magnolia Hill, which was a thirty-one (31)-acre estate. Mr. Ellis stated that the property was a national historical site on Stagecoach Road and they had lived on the property for thirty-two (32) years, and had raised their two (2) sons at the home. Mr. Ellis stated that because the facility served as their home, the venue was rented out with the understanding that event organizers and attendees had to be off the property by 10:00 PM, and typically weddings held were over by 9:30 PM. Mr. Ellis stated that fireworks were part of the venue; however, not every wedding included a fireworks show due to the fact that it was an added cost. Mr. Ellis stated that budget-wise, there were not that many fireworks displays; however, if there was one, then the fireworks were four (4)-minutes in length and would be displayed between 7:30 PM and no later than 9:30 PM. Mr. Ellis stated that in addition to the church, which was located adjacent to the property, he had received letter of support from the Greenbrier Nursing Facility, the Heart's Journey Community Church and from Matthew Hampton, President of the Pecan Lake Property Association, who indicated that they had surveyed the neighborhood and the majority of the residents were supportive.

Director Adcock stated that the presentation to the Pecan Lake Neighborhood Association had indicated that they would only be conducted weddings at the location. Mr. Ellis stated that weddings were all they were currently hosting at the property; however, he hoped to have additional fundraisers for organizations such as UALR and UAMS, but nothing in the sense of a wild party.

Denise White, 5102 Pecan Lake Road: Stated that Mr. Hampton had spoken out of turn regarding the support of the neighborhood. Ms. White stated that the surveys had only been distributed two (2) days prior and she hadn't even filled hers out yet and she didn't think that they had had time to receive a response to all the surveys. Ms. White stated that her property was located close enough to the venue that she could hear the music and fireworks when they were set off and she was opposed to the rezoning.

Phillip Wilson, 5907 Tall Pine Boulevard: Stated that he was a member of the Pecan Lakes Property Owner's Association and currently lived 3/4-miles from the property and would prefer that the property be utilized for weddings only. Mr. Wilson stated that he

would like for the owner to determine a way to buffer the noise from any music that might be played at an event.

Henry Gilmore, 5912 Forestview Road: Stated that he lived in the Pecan Lakes Subdivision and was opposed to the fireworks as they invaded and violated his right to quite enjoyment in his own home.

Director Richardson stated that several of the speakers had indicated that these type of events were already occurring and asked why the item was just being brought before the Board. Mr. Carney stated that once staff had been made aware of the events, they contacted Mr. Ellis and informed him that he did not have proper zoning approval to conduct the business, and he came in immediately and filed the application. Director Cazort asked if all the events would have to comply with the current noise ordinance. City Manager Moore stated that yes, they would have to comply. Director Cazort asked how the City would enforce the ordinance and if there would be a decibel limit. City Attorney Carpenter stated that they utilized a reasonable 'man standard', which was if it disturbed someone within the area. City Attorney Carpenter stated that it was a difficult criteria to enforce; however, it had been enforced on occasions. Most of the times, staff had tape recordings from a complainant's house plus their testimony; so a Judge was able to hear what they heard. City Attorney Carpenter stated that if an individual wanted to file a complaint, they would come fill out an affidavit and they would serve as witness for the City. City Attorney Carpenter stated that if the Little Rock Police Department was called to site as a result of a complaint and the event was occurring, they had the authority to issue a ticket at that time.

Director Wyrick stated that she was concerned that the applicant and been utilizing fireworks in the past and that the previous summer there had been multiple burn bans. Mr. Ellis stated that he operated under strict code and that safety was first and foremost. Mr. Ellis stated that they were not allowed to shoot the fireworks any time there was an active burn ban.

Ella Anderson, 8 Tall Timber Cove: Stated that she lived in the Pecan Lake Neighborhood and was asking that the Board vote against the application.

Director Cazort made the motion, seconded by Director Richardson, 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: Hurst; Hines; Kumpuris; and Fortson. Nays: Hendrix; Richardson; Cazort; Wyrick; Adcock; and Vice-Mayor Wright. By a vote of four (4) ayes and six (6) nays, **the ordinance failed.**

REPORTS (Item 25)

25. REPORT: Little Rock Wastewater Bonuses Report (Deferred from January 22, 2013)

Mayor Stodola recognized Marilyn Perryman and Jean Block, both members of the Sanitary Sewer Committee.

Marilyn Perryman: Stated that she had authored the memorandum to the Board as a result of the resolution that was passed at the January 8, 2013, Board of Director Meeting that stated the disapproval of the Little Rock Board of Directors regarding the grant of bonuses to Little Rock Waste Water Employees. Ms. Perryman stated that since that time, Little Rock Wastewater Executive Director Reggie Corbitt had advised the Committee that he intended to retire at the end of 2014.

Jean Block: Stated that Mr. Corbitt had notified the Committee of his intent to officially retire on December 31, 2014, and that in the coming months, a search committee would be appointed to hire his successor. Ms. Block stated that the search committee membership would be finalized no later than May 1, 2013, and would complete their orientation no later than July 1, 2013. The orientation would be designed to review the committee's roles and responsibilities and to identify the resources available to the committee to successfully complete the responsibilities. Ms. Block stated that the search committee would will make a recommendation to the Committee no later than September 1, 2013, with respect to engaging an executive search firm to assist in the applicant selection. Should the committee elect not to use an executive search firm, the position would be advertised in professional publications, both local and nationally. Ms. Block stated that the Little Rock Sanitary Sewer Committee would take the appropriate steps, including, but not limited to advertising for an executive search firm, issuing and RFQ or RFP, interviewing the applicants and selecting the firm no later than December 1, 2013. Ms. Block stated that any executive search firm selected, would strive to interview qualified applicants and make recommendations for interviews to the search committee no later than March 1, 2014, and the Committee would strive to hire the CEO by October 1, 2014. The Committee intended for there to be a seamless transfer of responsibilities between CEOs, and to accomplish that, after the new CEO was hired, Reggie Corbitt had agreed to work as a consultant through at least December 31, 2014, with the new CEO and would be entitled to reasonable and appropriate pay and benefits as determined by Committee. Ms. Block reported that to further ensure a seamless transition, Ken Griffey, Sanitary Chair, had appointed Ms. Perryman to chair a Transition Committee, and that Mr. Corbitt had been informed that this Transition Committee would review any staff changes proposed at Little Rock Wastewater and all budget or finance issues that arose during the transition. In addition, the Committee had informed Mr. Corbitt that Little Rock Wastewater needed to be consistent in all communications to City Hall and the Board of Directors during the transition period.

Mayor Stodola stated that the report on that evening's Agenda was an update regarding the Little Rock Wastewater Bonuses and asked if either were prepared to discuss that issue. Ms. Perryman stated that the Committee had not been made aware of the longevity payments before they were actually made; however the amount of money paid out had been officially approved within the budget. Director Cazort asked if when the Sanitary Sewer Committee discussed the proposed sewer rate increases, was the fact of the bonuses included ever a part of the discussion and were they aware that the rate increases would be necessary to fund those kinds of bonuses. Ms. Perryman stated that she didn't think the bonuses at that time were a part of that discussion; however, salary adjustments at some point were expected for employees because none of them had received any increases for over two (2) years. Director Cazort stated that he didn't have an issue with employees receiving an adjustment, his issue was with the fact that the salary adjustments were factored into the rate increase and people were led

to believe that the rate increase was needed solely to address the Sierra Club requirements.

Director Hines asked if the Committee found any wrongdoing in the way the bonuses were paid or was it out of ordinary for that to be under the purvey of the CEO. Ms. Perryman stated that they had determined that it was poor judgment on the part of doing it the way it was done without the Committee being made aware of it in advance. Ms. Perryman stated that they would have probably approved the adjustments if they had understood that the money was there and that it was going to be done; however, it was done without their advanced knowledge.

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