

**Little Rock Board of Directors Meeting
April 2, 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 (enrolled at 6:50 PM); Cazort; Hines; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Wright; and Mayor Stodola. Director Erma Hendrix delivered the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS

Little Rock Police Department Recognition for Support of Arkansas Law Enforcement Torch Run for Special Olympics

CONSENT AGENDA (Items 1 – 4 and Item 6)

Mayor Stodola stated that he had received a comment card for Item 5 and asked that it be read separately.

1. RESOLUTION NO. 13,667: To accept title to property donated to the City of Little Rock, Arkansas, by special warranty deed, to be used for Neighborhood Revitalization Programs; and for other purposes. *Staff recommends approval.*

Synopsis: In an effort maximize the Land Bank's revitalization efforts, staff would like to accept the donation of the property located at 808 Brown Street. **Property Details:** The parcel is a 9,800 square-foot lot with no structure located in the Land Bank Focus Area.

2. RESOLUTION NO. 13,668; G-24-040: To set April 16, 2013, as the date of public hearing on the petition to abandon the drainage and utility easement located on the common lot lines of Lots 1 and 2, Miracle Addition, in the City of Little Rock, Arkansas; and for other purposes.

3. RESOLUTION NO. 13,669: To authorize the City Manager to enter into a contract with EVS/G&W, in the amount of \$54,226.94, for a HUSHAIR 6000 PSI Stationary Breathing Air Compressor Station; and for other purposes. *Staff recommends approval.*

Synopsis: The Little Rock Fire Department is requesting approval to authorize the City Manager to enter into a contract with EVS/G&W, located in Conway, Arkansas, for a HUSHAIR 6000 PSI Stationary Breathing Air Compressor Station.

4. RESOLUTION NO. 13,670: To authorize the City Manager to enter into a contract with Construction Management & Maintenance Company, Inc., in the amount of \$140,052.00, for the Cantrell Road at Robinwood Drive Traffic Signal Installation Project; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvements Sales Tax Funding)* *Staff recommends approval.*

Synopsis: Authorizes the City Manager to execute an agreement with Construction Management & Maintenance Company, Inc., for Traffic Signal Installation- Cantrell Road at Robinwood Drive Signal Installation Project, Bid No. 2013-103.

6. RESOLUTION NO. 13,672: To authorize the City Manager to enter into a contract with Arkana CNG, LLC, in the amount of \$364,520.00, for the purchase of compressed natural gas (CNG) equipment for the City's first CNG fueling station, and to utilize the alternate bid to purchase four (4) cylinders for additional natural gas storage, at a cost of \$149,800.00, for a total project cost of \$514,320.00; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with Arkana CNG, LLC, to purchase compressed natural gas (CNG) equipment for the City's first CNG fueling station, in the amount of \$364,520, and to utilize the alternate bid to purchase four (4) cylinders for additional natural gas storage to meet projected customer demand, at a cost of \$149,800, for a total project cost of \$514,320.

Director Adcock made the motion, seconded by Vice Mayor Wright, to approve Items 1-4 and Item 6 of the Consent Agenda. By unanimous voice vote of the Board Members present, **Items 1-4 and Item 6 of the Consent Agenda were approved.**

SEPARATE ITEM (Item 5)

5. RESOLUTION NO. 13,671: To authorize the Mayor, City Clerk and City Manager to execute all documents required for the purchase and demolition of the property located at 9912 Ramona Drive for flood mitigation purposes; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to execute sales agreements and deeds for the purchase and demolition of the property located at 9912 Ramona Drive.

Mary Worthy, 9912 Ramona Drive: Stated that she wanted to thank the Board for approving the resolution.

Director Adcock made the motion, seconded by Director Cazort, to approve Item 5. By unanimous voice vote of the Board Members present, **Item 5 was approved.**

GROUPED ITEMS (Items 7 - 10)

7. ORDINANCE NO. 20,706; Z-4746-D: 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: Little Rock Funeral Home, owner of the 1.17-acre property located at the west end of Knoedl Court, is requesting to rezone the property from O-3, General Office District, with conditions to O-3 with amended conditions.

Mollie Irvin, 507 Deerbrook Road: Stated that she did not want to speak; however, she wanted to be on record as in support for the reclassification.

Brad Leggett, 119 Chelle Lane: Stated that he did not want to speak; however, he wanted to be on record as in support for the reclassification.

8. ORDINANCE NO. 20,707; Z-7683-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.*

Synopsis: Xiang Xu Lin and Jin Shu Lin, owners of the 0.22-acre property at 3316 West 12th Street, are requesting to rezone the property from R-3, Single-Family District, to R-5, Urban Residence District.

9. ORDINANCE NO. 20,708: To amend Little Rock, Ark., Rev. Code § 2-330 (1988) to modify certain authorities and duties of the Little Rock Parks and Recreation Commission; and for other purposes. *Staff recommends approval. (First Reading held on March 19, 2013)*

Synopsis: An ordinance to amend Little Rock, Ark. Rev. Code § 2-330 (1988) to modify certain authorities and duties of the Little Rock Parks and Recreation Commission; and for other purposes.

10. ORDINANCE NO. 20,709: To dispense with competitive bidding; to authorize the City Manager to enter into a contract with Champion Turf Farms, of Bay City, Texas, in the amount of \$59,000.00 for the repair and replanting of the greens at Hindman Golf Course; and for other purposes. *Staff recommends approval.*

Synopsis: A sole-source ordinance authorizing the City Manager to enter into a contract with Champion Turf Farms of Bay City, Texas, in the amount of \$59,000 for the repair and replanting of greens at Hindman Golf Course with Champion Dwarf Bermuda Grass Sprigs (includes guidance and technical assistance, sprigs and labor to sprig).

Items 7, 8 and 10 were read the first time. Director Adcock made the motion, seconded by Director Cazort, to suspend the rules and place the ordinances, along with Item 9, 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 voice vote of the Board Members present, with Director Hendrix abstaining on Items 9 & 10, **the ordinances were approved.**

SEPARATE ITEMS (Items 11 – 13)

11. ORDINANCE NO. 20,712; 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. (Deferred from the February 19, 2013, Board of Directors Meeting)*
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.

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.

JoAnn Keith, 11505 Ashwood Drive: Stated that in the interest of time, she wasted to. Keith deferred her allotted time to Bill Ruck.

Tracey Kersey, 10901 Birchwood Drive: Stated that she was the President of the Birchwood Neighborhood Association. Ms. Kersey stated that the Association's objections included the fact that the proposed plan depicted parking in an area that was previously-designated by ordinance as undisturbed. In addition, Ms. Kersey stated that there was a difference in land elevation that in the past had caused drainage and flooding into the adjacent neighborhood. Ms. Kersey stated that if the development was allowed to expand, it would cause more flooding in the area and she asked the Board to deny the request based on the fact that it was too obtrusive.

Havis Jacks, 416 Alamo Drive: Stated that he lived door to the property since 1984 and that the current building was not adequate for the needs of the proposed development. Mr. Jacks asked that the Board deny the request.

Bill Ruck, 11711 Birchwood Drive: Mr. Ruck stated that he was a professional engineer and surveyor and a certified floodplain manager and that he thought the Planning Commission had made a mistake when they approved the development. Mr. Ruck stated that when the development was first established, a thirty (30)-foot buffer was designated to protect the neighborhood and was not to be disturbed; however, the Planning Commission voted to overturn the buffer agreement.

Phillip A. Johnson, 11815 Birchwood Drive: Stated that he was against the expansion.

Mollie Irvin, 507 Deerbrook Road: Stated that she did not want to speak; however, she wanted to be on record as being opposed to the request.

Mary Smith, 201 Spring Wood Drive: Stated that she did not want to speak; however, she wanted to be on record as being opposed to the request.

Ruth Bell: Stated that she represented the League of Women Voters of Pulaski County and they were opposed to the reduction of the depth of the buffer.

John Reese: Stated that he represented Whole Foods and he thought that they were presenting a great plan. Mr. Reese stated that Whole Foods needed to expand the dock to service their needs and through the development of the project had reduced the size of the dock from fifty (50) feet to thirty-five (35) feet. Mr. Reese stated that currently there was a twenty (20)-foot dock adjacent to the side of the building; however, they would need a thirty-five (35)-foot dock to be able to accommodate the compactor. Mr. Reese stated that with the expansion of the dock, it would require them to take in five (5) feet of the buffer. Mr. Reese stated that they had tried on numerous occasions to work with the neighborhood and staff regarding the project and had been unsuccessful. Mr. Reese stated that Whole Foods wanted to be a good neighbor and had offered to paint the wall that would enclose the dock, green, or whatever color the neighbors wanted it painted, and offered to plant bushes every fifteen (15) feet on the neighborhood side of the fence to assist in camouflaging the wall.

Joe White: Stated that he was with White Daters and that as a result of the dock expansion, there would be less water run-off into the neighborhood.

Planning and Development Department Director Tony Bozynski stated that the wall would actually be much taller than the existing fence. Director Adcock asked how much taller the wall would be than the fence. Mr. Bozynski stated that the wall itself was twelve (12) feet tall and would be sitting on a foundation of four (4) to five (5) feet. Director Adcock asked why staff was recommending denial. Mr. Bozynski stated that staff felt that the buffer area was put in place to protect the Birchwood Neighborhood. Mr. Bozynski stated that there had been other applications for that location that had

been denied in the past due to the fact that they would encroach into the buffer. Mr. Bozynski stated that staff felt that this would be an encroachment that should not be permitted and the buffer should remain intact.

Vice-Mayor Wright 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: Richardson; Cazort; Hines; Kumpuris; Fortson. Nays: Hendrix; Hurst; Wyrick; Adcock; and Vice-Mayor Wright. Due to the fact that the vote was tied, Mayor Stodola cast an Aye vote to break the tie. By a vote of six (6) ayes and five (5) nays, **the ordinance was approved.**

12. ORDINANCE NO. 20,710; Z-4745-B: To approve a Planned Zoning Development and establish a Planned Commercial District titled Shackleford Kanis Revised Short-Form PD-C, located on the southeast corner of Kanis and Shackleford Roads, 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 amend the previously-approved PD-C, Planned Development Commercial, to allow for the placement of a wall sign on the southern façade which is located without public street frontage.

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 unanimous voice vote of the Board Members present, **the ordinance was approved.**

PUBLIC HEARINGS (Items 13 - 14)

13. RESOLUTION NO. 13,673; Z-8805: To rescind the Planning Commission's action in approving a Special Use Permit to allow a group home on the R-2 zoned property located at 101 North Plaza Drive, Little Rock, Arkansas; and for other purposes. *Planning Commission: 6 ayes; 3 nays; 1 absent; and 1 abstention; and 1 open position. Staff recommends denial of resolution and approval of the Special Use Permit.*

Synopsis: Allen Klak, 10 Pilot Point Place, is appealing the Planning Commission's action in approving a Special Use Permit to allow a group home on the R-2 zoned property located at 101 North Plaza Drive.

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

Director Fortson stated that he planned on making a motion to defer the item until the second meeting May due to the fact that he understood that there had been a ruling in the 8th Circuit Court which would apply to cases such as this one that said that one factor that could be considered as to applicability of local zoning ordinances was to whether a proposal was economically feasible.

Director Adcock stated that if Director Fortson was going to make a motion to defer, she would withdraw her motion to approve the resolution. Director Hendrix stated that she would not withdraw her second of the motion. City Attorney Tom Carpenter stated if the second was not removed, the motion was still on the floor.

City Attorney Carpenter stated that he was aware of the 8th Circuit ruling and it would place the burden upon the City to prove that it was not economically viable. In addition, City Attorney Carpenter stated that the permit in question was already in the process and any change in the ordinance would only be applicable to future permits; otherwise the City would be opening themselves up for substantial liability. Director Fortson asked that City Attorney Carpenter obtain an interpretation of what the conditions were that the 8th Circuit utilized as it related to any future amendments to ordinances that may affect future applications.

Mayor Stodola opened the public hearing and asked if there were individuals present that wished to speak for or against the item.

Janna Laughlin, 4 Amarillo Circle: Stated that she did not want to speak; however, she wanted to be on record as being opposed to the application.

Jeanette Krohn, 6 Amarillo Circle: Stated that she lived two (2) blocks away from the property in question. Ms. Krohn stated that she represented the Plaza Heights Neighborhood, who had appealed the Planning Commission's decision. Ms. Krohn stated that the neighborhood did not object to a legitimate substance abuse recovery program at that location with a maximum of four (4) residents. Ms. Krohn stated that the neighborhood did not feel that this halfway house was serving recovering addicts as it claimed to be and should not be protected under Federal Law and should be held to the same standards set by City ordinance. Ms. Krohn stated that prior to the first Planning Commission Meeting, representatives from the neighborhood agreed to accept the facility and in-turn, Oxford House agreed to limit the number of residents and to not place any other facilities within the neighborhood. Ms. Krohn reported that within two (2) weeks after the agreement, representatives from Oxford House went back on their word. Ms. Krohn stated that there would be seven (7) unrelated men living in a three (3) bedroom house. Ms. Krohn stated that Oxford House representatives claim that the house had four (4) bedrooms; however, the house had been listed for sale as a three (3) bedroom house. Ms. Krohn asked the Board to deny Oxford House's application and to rescind the Planning Commission's decision.

Teresa Belew: Stated that when she first heard about the Oxford House process, she was encouraged by the concept of a chemical-free sober-living home; however, she had found the initial information to not be reflective of what actually occurred in the facilities. Ms. Belew stated that she had received an Oxford House Management Report which stated that clusters of houses were encouraged to form mutually supported chapters to facilitate networking between houses and to help monitor charter compliance. Ms. Belew asked who protected the legitimate concerns of the neighbors and she urged to Board to pursue any remedies that can be offered to the neighborhoods.

Ruth Bell: Stated that she represented the League of Women Voters of Pulaski County and that they were in opposition to the application.

Allen Klak, 10 Pilot Point: Stated that he had filed the appeal of the Planning Commission's decision. Mr. Klak stated that he had lived at his home for the past twenty-two (22) years and many of the neighbors in the area had resided there longer.

Mr. Klak stated that Oxford House had already proved that the law didn't matter to them and were protected by Federal Law. Mr. Klak stated that the neighbors wanted to live in peace and deserved to be protected.

Michael Godfrey, 101 North Plaza: Stated that he was a resident of the Oxford House located on Plaza Drive. Mr. Godfrey stated that there were currently six (6) other individuals living in the house and that his recovery was based on being held accountable by his roommates. Mr. Godfrey stated that each of the individual's rent stayed in the house and expenses were voted on and paid during a weekly meeting of the residents.

Director Richardson encouraged more dialogue between the Oxford House residents and the neighbors so that there could be a clear understanding of how the house operated and they would understand some of the fears from the neighbors.

Mike Shannon, 111 Center Street: Stated that he was legal counsel and that Oxford House representatives had met with residents of the neighborhood at the house and answered all questions that were asked. Mr. Shannon stated that the discussion was good and that he had given the neighbors his personal contact information so that they could contact him should they have issues with the house and its residents.

Mayor Stodola closed the public hearing.

Director Richardson made the motion, seconded by Vice-Mayor, 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: Hines and Fortson. Present: Hendrix; Richardson; Hurst; Cazort; Wyrick; Kumpuris; Adcock and Vice-Mayor Wright. When asked if they wanted to change their votes, Directors Hendrix; Richardson; Hurst; Cazort; Wyrick; Kumpuris; Adcock; and Vice-Mayor Wright all responded by saying the desired their vote to remain as Present. By a vote of two (2) ayes and eight (8) present, **the motion failed.**

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

14. ORDINANCE NO. 20,711: To authorize the construction of betterments and improvements to the sewer system of the City of Little Rock, Arkansas; authorizing the issuance of a Sewer Revenue Bond, Series 2013, for the purpose of financing the cost thereof; providing for the payment of the principal and interest on the Bond; 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 voice vote of the Board Members present, with Director Wyrick voting in opposition, **the ordinance was approved.**

CITIZEN'S COMMUNICATION

Robert Webb: Citizen Communication

Mayor Stodola stated that the purpose of Citizen Communication was to give citizens the opportunity to address the Board regarding items that were not listed on the agenda. Due to the fact that the agenda was set and people attended the meetings to address the Board regarding particular items on the agenda, it was determined that Citizen Communication be moved to the end of the meeting in order to first hear the concerns of individuals that had items on the agenda. Director Hendrix asked that Citizen Communication be placed at the beginning of the meeting during the first Board Meeting of the month and at the end of the agenda during the second Board Meeting of the month. Director Richardson suggested that the Mayor and City Manager develop a system of alternating the location of Citizen Communication during the Board Meetings. Director Wright stated that she supported alternating the placement of Citizen Communication during the Board Meetings.

Director Hendrix made the motion, seconded by Director Wright, to alternate the placement of Citizen Communication during the Board Meetings. By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Wyrick and Vice-Mayor Wright. Nays: Hurst; Cazort; Hines; Kumpuris and Fortson. Present: Adcock. When asked if she wanted to change her vote, Director Adcock stated that she desired her vote to remain as Present. By a vote of four (4) ayes, five (5) nays and one (1) present, **the motion failed.**

Barbara Jones: Reading before signing

Cheryl Warden, 2723 South Chester Street: Complimenting City Services

Director Cazort made the motion, seconded by Director Hines, for the Board to go into Executive Session for the purpose of conducting the annual evaluation of the City Manager and City Attorney.

EXECUTIVE SESSION (Item 15)

15. EXECUTIVE SESSION: Annual Evaluation of the City Manager and City Attorney

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Mayor Stodola stated that the Board had commended both the City Manager and City Attorney for the outstanding job they do for the City, and appreciate their patience and direction.

Director Cazort made the motion, seconded by Director Hendrix, to give the City Manager and City Attorney a 2% salary increase. By unanimous voice vote of the Board Members present, **the motion was approved.**

Director Cazort made the motion, seconded by Vice-Mayor Wright, 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