

**Little Rock Board of Directors Meeting  
November 19, 2013  
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a regular meeting with Vice-Mayor Doris Wright presiding. City Clerk Susan Langley called the roll with the following Directors present: Hendrix; Richardson; Cazort; Cazort; Hines; Wyrick; Kumpuris (enrolled at 6:15 PM); Fortson; Adcock; and Vice-Mayor Wright. Directors absent: Mayor Stodola. Director Joan Adcock delivered the invocation, which was followed by the Pledge of Allegiance.

**PRESENTATIONS:**

Bill & Hillary Clinton National Airport Update

**CONSENT AGENDA: (Items 1 – 5)**

**1. RESOLUTION NO. 13,801; Z-8880:** To set December 3, 2013, as the date of hearing on the petition to rescind the Planning Commission's action in approving a Conditional Use Permit to allow a multi-sectional manufactured home at 8419 Hidden Valley Road; and for other purpose. *Staff recommends approval.*

**2. RESOLUTION NO. 13,802:** To approve a contract with AmeriPride Uniform & Linen to provide uniform pants for the Little Rock Fire Department Personnel for fiscal years 2013 and 2014; 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 AmeriPride Uniform & Linen for the purchase of Fire Department uniform pants for department personnel.

**3. RESOLUTION NO. 13,803:** To authorize the purchase of a property offered for sale to the City of Little Rock, Arkansas, to be used for the Wright Avenue Alert Center; and for other purposes. *Staff recommends approval.*

**Synopsis:** Staff has identified a parcel of property which is being offered for sale that will serve as additional parking space for the Wright Avenue Neighborhood Alert Center. **Property Details:** The parcel is 3,484 square-feet and contains a structure which will be demolished.

**4. RESOLUTION NO. 13,804:** To authorize the Mayor, City Manager and City Clerk to execute any documents needed to lease certain property located at the Three Financial Centre Building, in Little Rock, Arkansas, for Police purpose; and for other purposes. *Staff recommends approval.*

**Synopsis:** The resolution authorizes the Mayor, City Manager and City Clerk to execute, as appropriate, any documents needed for the City to lease from Three Financial Centre, LLC, property of 985 square-feet located in the Three Financial Centre Building in Little Rock for the purpose of storing evidence for the Little Rock Police Department.

**5. RESOLUTION NO. 13,805:** To authorize the City Manager to enter into a contract with Ford Engineering, Inc., for the construction of four (4) soccer fields an entrance road and parking lot at Natural Steps Park, in the total amount of \$770,000.00; and for other

purposes. *Staff recommends approval. (Funding from the 2012 3/8-Cent Capital Improvement Sales Tax Funding and the 2013 Limited Tax General Obligation Improvement Bonds)*

**Synopsis:** Approval to authorize the City Manager to enter into a contract with Ford Engineering, Inc., for a total amount of \$770,000.00 for the construction of four (4), soccer fields, entrance road and parking lot at Natural Steps Park.

Director Hurst asked if the fields would be built and managed in order for multiple sports to utilize them. City Manager Bruce Moore stated that was the intention and that multi-purpose utilization would be advantageous to the City.

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

### **SEPARATE ITEMS: (Items 6 - 7)**

**6. RESOLUTION NO. 13.806:** To authorize the Mayor, City Manager and City Clerk to execute an agreement for lease of certain property owned by the Pankey Community Improvement Association, Inc., for a Police Substation; and for other purposes. *Staff recommends approval.*

**Synopsis:** The resolution authorizes the Mayor, City Manager and Clerk to execute an agreement with the Pankey Community Improvement Association, Inc., for lease of property at 13700 Cantrell Road for a twenty-five (25)-year period whereby the City will finish construction of the existing structure and install parking lot and landscaping improvements and occupy 3,815 square-feet of the structure for a police substation.

B. Roberta Douglas, 4801 Rightsell Road: Stated that she several had concerns regarding the paperwork. Ms. Douglas stated that she was not against the project and it would be the best option for the Pankey community; however, she stated that she wanted to be sure that it was in fact the citizens of Pankey and the surrounding community speaking for the community. Ms. Douglas asked that the item be deferred for two (2) weeks so that all the individuals from the Pankey community could meet and ensure that all the paperwork was in order.

Barbara Douglas, 4801 Rightsell Road: Stated that the Pankey Association's Bylaws stated that 60% of the Board Members had to be residents of the community and she wanted to ensure that the Bylaws were followed.

Lawrence Walker, 1723 Broadway Street: Stated that he represented several members of the Pankey Association and that he felt that there were several issues with the individuals that had signed the agreement. Mr. Walker asked that the Board postpone action on the agreement until those issues could be resolved.

City Attorney Tom Carpenter stated that the documents that the Board had received showed the organization, Pankey Community Improvement Association, Inc., as in good-standing with the Arkansas Secretary of State's Office. City Attorney Carpenter stated that the organization was incorporated on January 23, 1991, and in 1997, there was a name change of the original incorporation of the Pankey Community Improvement, Inc., to Pankey Community Improvement Association, Inc., and the name change was noted in the Secretary of State's records. City Attorney Carpenter stated that on August 2, 1999, there was an attempt to dissolve the Corporation and a filing of Articles of Incorporation for another entity was made on August 3, 1999. In October 1999, an

Assistant General Counsel for the Secretary of State stated that because the organization had been created prior to 1993, and due to the implementation of certain new laws for non-profits in Arkansas, the Corporation could not be dissolved simply by the filing of documentation, and that it would, in fact, require a court order. As a result, on September 30, 1999, the attempt to dissolve the Corporation was withdrawn and the Articles of Incorporation of the second entity were not allowed to be filed. City Attorney Carpenter stated that there was nothing from 1999 – 2009. City Attorney Carpenter stated that in 2008, the law regarding reporting requirements for non-profit organizations was again changed. City Attorney Carpenter reported that the 2009 Annual Report was filed that listed the Officers of the Pankey Community Improvement Association, Inc., and a report had been filed every year since. Both the 2012 and 2013 reports were filed on September 17, 2013, and a post-filed 2008 report was filed at that time, as well. City Attorney Carpenter stated that the documents that the Secretary of State's Office had on file stated that the organization that Ms. Douglas created in 1991 was the same organization that the City was contracting with for the Police Substation, and there was no documentation that he had seen that showed the change in Officers between the 1999 filings and the 2009 Annual Report for a non-profit organization. City Attorney Carpenter stated that he had documentation of six (6) different filings with the Secretary of State's Office that show that the individuals in whom the City was in contract with for the lease agreement were the individuals who were Officers of the Corporation. City Attorney Carpenter stated that Ms. Douglas, along with her daughter, were under the impression that they had the authority to enter into agreement on behalf of the Association; however, the documents that he had received from the Secretary of State's Office, stated that the Officers were authorized to enter into the agreement.

Director Adcock asked if the City had received a written approval from the Little Rock School District that the facility be utilized as a Police Substation. City Attorney Carpenter stated that the nature of the reverter clause in the deed from the Little Rock School District (LRSD) to the Pankey Community Improvement Association, Inc., was that the property was to be utilized for educational purposes at least until January or February 2049. City Attorney Carpenter stated that because a portion of the building would be utilized for a Police Substation, the City should have a signed Estoppel Agreement in place from LRSD stating that they were aware of how the facility would be utilized and that they were in agreement that it met the requirements of the reverter clause. City Attorney Carpenter stated that he had made several attempts during the past week to visit with legal counsel for LRSD, and had yet to make contact.

Director Adcock asked what would happen if the City invested \$1 Million Dollars into the facility and then the portion of the building, which was the community center, was not utilized for educational purposes. City Attorney Carpenter stated that if the City did not have an Estoppel Agreement in place that stated that the building uses met the terms of the LRSD grant, then the City would be at risk. Director Adcock made the motion, seconded by Director Wyrick, to table the item for two (2) weeks. By roll call vote, the vote was as follows: Ayes: Hurst; Wyrick; and Adcock. Nays: Hendrix; Richardson; Cazort; Hines; Kumpuris; Fortson; and Vice-Mayor Wright. By a vote of three (3) ayes and seven (7) nays, **the motion failed.**

Director Richardson made the motion, seconded by Director Kumpuris, to amend the resolution to include the language dependent upon the Estoppel Agreement. City

Attorney Carpenter stated that as City Attorney, the Board was his client and if they directed him to not approve the agreement until the Estoppel Agreement was signed, the resolution did not need to be amended. Director Richardson withdrew his motion and Director Kumpuris withdrew his second of the motion.

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

Director Cazort made the motion, seconded by Director Hurst, to approve the resolution. By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Hurst; Cazort; Hines; Wyrick; Kumpuris; Fortson; and Vice-Mayor Wright. Nays: Adcock. By a vote of nine (9) ayes and one (1) nay, **the resolution was approved.**

**7. ORDINANCE NO. 20,817; Z-8490-B:** To approve modification to a Planned Zoning Development and provide for the establishment of a Planned Commercial District titled Johnson Revised Short-Form PD-C, located at 4314 Asher Avenue, Little Rock, Arkansas, amending Ordinance No. 20,372 and the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 7 ayes; 1 nay; 2 absent; and 1 open position. Staff recommends denial.*  
**Synopsis: The request is to amend the previously-approved PD-C, Planned Development – Commercial, to modify the hours of operation.**

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.

Director Richardson asked if in terms of geographical proximity, were there establishments in the River Market area more closely placed than the establishment in question. Little Rock Police Chief Stuart Thomas stated that as far as density, in the River Market area, there was more compression due to the fact that several of the establishments were located next door to each other.

Stephen Giles, 425 West Capitol Avenue: Stated that he was legal counsel for the applicant, Tracy Johnson. Mr. Giles stated that Mr. Johnson had built the club over time and had made a substantial investment in that area of the community. Mr. Giles stated that Mr. Johnson had built a customer base; however, he was losing customers to other establishments that are able to stay open after he was required to close at 2:00 AM. Mr. Giles stated that Mr. Johnson had limited days that he could operate, and the request to extend the hours and days of operation was critical to the business survival. Mr. Giles stated that Mr. Johnson had gone through the PCD, Planned Commercial District, process, where he made commitments in the building of his establishments. Mr. Giles reported that the application had been amended at the Planning Commission to open at 4:30 PM.

Tracy Johnson: Stated that he was the applicant and that his request was to be able to compete with the several of the other establishments in the area that were allowed to

remain open later. Mr. Johnson stated that currently he was the only establishment in the area that was required to close at 2:00 AM.

Mr. Giles stated that due to the fact that the holiday season was upcoming, he asked that if the ordinance was approved, that an emergency clause be attached so that Mr. Johnson would not have to wait thirty (30) days for the ordinance to go into effect. City Attorney Carpenter stated that the purpose of an emergency clause was to ensure safety, health and welfare and not to sell alcoholic beverages until 3:30 AM.

Director Adcock asked if Mr. Johnson had agreed to the requirements when he originally applied for the PCD, and if so, why had he changed his mind. Mr. Johnson stated that as his business had grown, he had to seek additional ways to grow with his business, and his customers had asked that he stay open. Director Cazort stated that he understood the need to be able to compete with other establishments and had no problem with the extended days of operation; however, he needed to be convinced that staying open past 2:00 AM was essential. Mr. Johnson stated that there were numerous service workers that were his customers and they did not get off work until 12:00 AM – 12:30 AM. Director Kumpuris stated that he was sympathetic to the fact that Mr. Johnson was being forced to close earlier than the other establishments in the area; however, instead of extending everyone's hours to be uniform, he was in favor of shortening everyone's hours. Director Kumpuris stated that he would like to ask the City Attorney to draft an ordinance for action in two (2) weeks that addressed having a uniform closing time for all night clubs that didn't currently hold a 5:00 AM permit. City Manager Moore stated that if that was the direction that the Board wanted to go, it would be a major policy shift and he thought the Board needed more time to look at various options.

Director Cazort asked if Mr. Johnson was adamant about wanting a vote on the proposal as it was written that was currently before the Board. Mr. Johnson stated that he definitely needed to extend the days of operation of his establishment; however, he felt that the Board was not in agreement with the 3:30 AM.

Clarice Coleman, 93 Dartmouth Drive: Stated that she and her finance owned the nightclub located next door to Mr. Johnson's establishment and she was not in favor of the application.

Robert Webb: Stated that he was in support of Mr. Johnson and asked the Board to approve the application.

Mr. Giles stated that it was critical for Mr. Johnson to have more days of operation for his establishment and rather than risk the having the application denied, he would like to amend his application to request the change in hours of operation to 4:30 PM – 2:00 AM, seven (7) days a week.

Director Cazort made the motion, seconded by Director Kumpuris, to amend the ordinance to reflect Mr. Johnson's request to change the operating hours of his establishment to 4:30 PM – 2:00 AM, seven (7) days a week. By unanimous voice vote of the Board Members present, **the ordinance was amended.**

Director Hurst asked if staff's recommendation had changed with the amendment to the ordinance. City Manager Moore stated that staff was now supportive of the ordinance as amended.

By voice vote of the Board Members present, with Director Adcock voting in opposition and Director Richardson voting Present (vote was changed to Yay when asked if he wanted to change his vote), **the ordinance was approved as amended.**

**CITIZEN'S COMMUNICATION**

Barbara Jones: Informing Citizens  
Dr. Anika Whitfield: Little Rock See & Do Tour

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

**ATTEST:**

**APPROVED:**

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**Susan Langley, City Clerk**

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**Mark Stodola, Mayor**