

**Little Rock Board of Directors Meeting
November 5, 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; Hines; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Wright and Mayor Stodola. Directors absent: Cazort. Director Gene Fortson delivered the invocation, which was followed by the Pledge of Allegiance.

PRESENTATIONS:

Neighborhood Presentation – Director Erma Hendrix
Citizen’s Fire Academy Class Presentation
Friends of the Little Rock Animal Village Donation Presentation

CONSENT AGENDA: (Items 1 – 6)

1. **RESOLUTION NO. 13,793:** To authorize the City Manager to enter into a contract with Hasty Awards of Ottawa, Kansas, in the amount of \$52,715.00, for the purchase of the 2014 Little Rock Marathon Finishers Medals; and for other purpose. *Staff recommends approval.*

Synopsis: A resolution to authorize the City Manager to purchase the 2014 Little Rock Marathon Finisher’s Medals from Hasty Awards in the amount of \$52,715.00.

2. **RESOLUTION NO. 13,794:** To award a contract to River City Construction, PLLC, for the renovation of the Aviary/Amphitheater Exhibit at the Little Rock Zoo; to authorize the City Manager to enter into a contract with River City Construction, PLLC, for such services; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution authorizes the City Manager to execute a contract in the amount of \$74,495.95, plus 10% authorized for possible change orders, with River City Construction, PLLC, for the renovation and upgrades to the existing aviary/amphitheater exhibit including the addition of concrete walks, curbs, caging, waste drainage, trenching, and epoxy flooring.

3. **RESOLUTION NO. 13,795:** To authorize the City Manager to enter into a first amendment to the agreement with the Little Rock Municipal Airport Commission to provide law enforcement services at the Bill and Hillary Clinton National Airport; and for other purposes. *Staff recommends approval.*

Synopsis: The Little Rock Police Department seeks approval to authorize the City Manager to enter into a First Amendment to the 2010 Agreement with the Little Rock Municipal Airport Commission to provide continued Police Security at the Airport. The Amendment shall begin on January 1, 2014, and end December 31, 2014. Absent termination by the City or the Little Rock Municipal Airport Commission, the Agreement shall automatically extend for an additional term of one (1)-year. If no prior notice of termination is given by either party, the Agreement will automatically be extended each year, for an additional one (1)-year term.

4. **RESOLUTION NO. 13,796:** To approve submission of the 2014 Annual Action Plan for CDBG, HOME and HOPWA Funds; to authorize the City Manager to submit the 2014

Annual Action Plan for consideration by the United States Department of Housing & Urban Development; and for other purposes. *Staff recommends approval.*

Synopsis: The Annual Action Plan delineates the uses of the CDBG, HOME and HOPWA entitlements for the 2014 program year (January 1, 2014 – December 31, 2014). This Board action approves the submission of the Action Plan to the United States Department of Housing & Urban Development.

5. RESOLUTION NO. 13,797: To authorize contract amendments for the design of additional Street and Drainage Improvement Projects with McClelland Consulting Engineers, Inc., for Rodney Parham Road at Buff Lane, with Michael Baker, Jr., Inc., for Longlea Court and Echo Valley Court, and Hawkins Weir Engineers, Inc., for Russ Street; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes amendments to the engineering services contract agreements with McClelland Consulting Engineers, Inc., Michael Baker Jr., Inc., and Hawkins Weir Engineers, Inc., for additional engineering design services for the 2013, 2014 and 2015 Street and Drainage Improvement Program.

6. RESOLUTION NO. 13,798: To approve one (1) Operator Permit and 120 Taxicab Permits for Greater Little Rock Transportation Service, LLC, for the period from January 1, 2014, to December 31, 2014; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution authorizing the approval of one (1) Operator Permit and 120 Taxicab Permits for Greater Little Rock Transportation Service, LLC (GLRTS), for 2014.

Director Adcock made the motion, seconded by Director Hurst, to approve the Consent Agenda. By voice vote of the Board Members present, with Director Richardson recusing on Item 8, **the Consent Agenda was approved.**

GROUPED ITEMS: (Items 7 - 10)

Mayor Stodola stated that Items 7 – 12 were Grouped Items; however, he thought that Items 11 – 12 needed to be read separately.

7. ORDINANCE NO. 20,809; Z-3429-A: To approve a Planned Zoning Development and establish a Planned Residential District titled DDB, Inc., Arkansas Short-Form PD-R, located at 1517 and 1521 Cumberland Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 2 absent; and 1 open position. Staff recommends approval.*

Synopsis: The request is to rezone the site from R-4, Two (2)-Family, to PD-R, Planned Development-Residential, to create lot lines and establish building setbacks for the existing duplex homes located on the site.

8. ORDINANCE NO. 20,810; Z-5178-C: To approve modification to a Planned Zoning Development and provide for the establishment of a Planned Commercial District titled Lot 1R West Markham Parkway Addition Short-Form PCD, located on the southwest corner of Chenal Parkway and Old Town Road, Little Rock, Arkansas, amending Ordinance No. 16,212 and the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 2 absent; and 1 open position. Staff recommends approval.*

Synopsis: The request is a rezoning from PCD, Planned Commercial District, and O-3, General Office District, to PCD, Planned Commercial District, to allow for the expansion of an existing building and add additional parking.

9. ORDINANCE NO. 20,811; Z-7421-C: To approve a Planned Zoning Development and establish a Planned Commercial District titled Mid-Town Revised Short-Form PCD, and accepting a \$30,000.00 in-lieu contribution to the T.R.E.E. Fund, located in the 200 block of North University Avenue, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 0 absent; and 3 open positions. Staff recommends approval.*
Synopsis: The request is to amend the previously-approved PCD, Planned Commercial District, to allow for additional retail lease space within the shopping center and to make a \$30,000.00 contribution to the T.R.E.E. Fund.

10. ORDINANCE NO. 20,815; Z-7919-D: To approve a Planned Zoning Development and establish a Planned Commercial District titled Rock City Marina and Yacht Club Long-Form PCD, located north of 3rd Street and east of Bond Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 0 absent; and 3 open positions. Staff recommends approval.*
Synopsis: The applicant is proposing to reestablish the previously-approved PCD, Planned Commercial District, zoning for the site to allow for the construction of a mixed-use development including retail, restaurants, multi-family and a marina.

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 Hurst, 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 11 – 15)

11. ORDINANCE NO. 20,816; Z-8833-A: To approve a Planned Zoning Development and establish a Planned Commercial District titled Massey Short-Form PCD, located on the east side of Highway 300, just north of Chenal Parkway, Little Rock, Arkansas, amending 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 rezone three (3)-acres located on Highway 300 from R-2, Single-Family, to PCD, Planned Commercial District, to allow for the creation of (2) two lots and the construction of a building on each lot to be used as a contractor's office and contractor's maintenance yard.

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 Adcock asked why staff recommended denial of the application. Planning & Development Director Tony Bozynski stated that the property was located outside of the City Limits; however, it was within the City's extraterritorial jurisdiction area. Mr. Bozynski stated that the request was to rezone the property from R-2, Single-Family, to PCD, Planned Commercial Development, to create two (2) lots and to allow for the construction and development of the property for what staff had determined to be a contractor's storage yard. Mr. Bozynski reported that in the Little Rock Zoning Ordinance, that proposed use fell under the zoning classification of I-1, Light Industrial District, and I-2, Industrial District, and staff felt that it was inappropriate use for the area due to the fact that the property was surround by single-family residences. Mr. Bozynski stated that several months prior, the Board had approved the application to use the property as an RV and boat storage facility; however, the vote on the item was vetoed by the Mayor. Mr. Bozynski stated that the previous application was primarily for storage and did not include the office component.

Mr. Erwin, the representative of the applicant, stated that the office building was 5,000 square-foot and that the contractor would be parking a backhoe and an excavator on the property only when it was not on a construction site. Mr. Erwin stated that there would be no building materials stored on site. Director Hurst asked if would be appropriate to make an amendment that would include the fact that there would be no building materials stored on the property. City Attorney Tom Carpenter stated that an amendment would make the matter more restrictive; therefore, unless it was requested by applicant, it would not be appropriate. Mayor Stodola asked Mr. Erwin if he had the authority to make the suggestion to include the language in the ordinance. Mr. Erwin stated that he had no problem with including the language in the ordinance. Director Kumpuris made the motion, seconded by Director Hurst, to amend the ordinance to include the stipulation that there would be no building materials stored on the property. By unanimous voice vote of the Board Members present, **the motion was approved.**

Director Adcock asked if the amendment changed the recommendation from staff. Mr. Bozynski stated that staff still recommended deferral. Director Hines stated that the proposed use for the property would be low-impact and that he was supportive of the application.

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

12. ORDINANCE NO. 20,812; Z-8882: To approve a Planned Zoning Development and establish a Planned Commercial District titled SRM Properties Short-Form PCD, located at 318 – 324 President Clinton Avenue, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; 2 absent; and 1 open position. Staff recommends approval.*
Synopsis: The request is a rezoning of the property from UU, Urban Use District, to PCD, Planned Commercial Development, to allow an existing restaurant (Willy D's) to be licensed by the State ABC Commission as a private club.

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 Hurst, 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 stated that the ABC had recently passed an amendment to their regulations regarding private clubs, which addressed bars and event centers that were permitting themselves as restaurants; therefore, circumventing the intent of the ABC's permitting regulations. Mayor Stodola stated that by amending the restaurant definition, facilities that now applied for alcohol permits must either submit an application as a restaurant or as a private club and that Private Club Permits would now be granted to those facilities that did not meet the new definition of a restaurant and operated primarily as a bar. City Manager Bruce Moore stated that those facilities in Little Rock that served alcohol and did not meet the new definition of a restaurant would be forced to apply for a Private Club Permit. According to City Manager Moore, those permits would allow those facilities to serve alcohol on site and remain open until 2:00 AM, seven (7) days a week, if they chose to do so. However, operating hours could be regulated through the City's Conditional Use Permit.

Director Adcock asked if as a result of the change in regulations, would there be additional establishments coming in and applying for a Private Club Permit. City Manager Moore stated that he had visited with staff to discuss other potential establishments that did not have 5:00 AM licenses and they couldn't come up with any. Director Fortson stated that he felt that it was time to address the closing time of all the nightclubs within the City. Mayor Stodola stated that there were fifteen (15) nightclubs that had been grandfathered in and allowed to operate until 5:00 AM.

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

13. ORDINANCE NO. 20,813: To amend Little Rock, Ark., Ordinance No. 20,671 (December 8, 2012), to adjust the Fiscal Year 2013 Budget Ordinance to reflect revenue and expenditure adjustments for the General Fund and Fleet Fund; **to declare an emergency;** and for other purposes. *Staff recommends approval.*
Synopsis: Eight (8) adjustments need to be made to the 2013 Budget to adjust for changes in anticipated revenues and expenditures.

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 Hurst, 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.**

14. ORDINANCE NO. 20,814: To amend Little Rock City Code of Ordinances (1988), §34-4, to change the definition of Taxicab to be a vehicle that is four (4) model years old; and for other purposes. *Staff recommends approval.*

Synopsis: An ordinance to change the City of Little Rock Transportation Code, specifically regarding the definition of Taxi Cabs and ADA vehicles as being no more than four (4) model years old when initially inspected.

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 Hurst, 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.**

15. ORDINANCE NO. 20,817: To prohibit the use of any City monies provided to the Little Rock Technology Park to be used for eminent domain for the purchase of owner-occupied or renter-occupied residences; ***to declare an emergency;*** and for other purposes.

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Fortson, 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 Hurst, 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 Adcock stated that on June 19, 2012, the Board passed Ordinance No. 20,602 that requested that the Central Arkansas Technology Park Authority take additional time to study the selection of a site for the park and to not utilize any of the sales tax monies to acquire any of the properties through the power of eminent domain. Director Adcock stated that the purpose of the proposed ordinance that evening was to assure the neighborhoods that the Board did not want any of the funds from the sales tax to be utilized to take an individual's home via eminent domain. Director Richardson stated that he felt that Ordinance No. 20,602 addressed the issue and he did not think that the proposed ordinance was needed. Director Richardson stated that he had brought a similar ordinance to the Board and didn't see how his proposed ordinance was any different than the one on that evening's Agenda. Director Richardson asked if the City was in the position to prohibit a landlord's contract with a renter. City Attorney Carpenter stated that the City would not be interfering with anyone's contract; they would be placing a demand upon the Technology Park Authority to not have rental contracts terminated in order for the property to be taken by eminent domain. Director Kumpuris stated that eminent domain was the last arrow in the quiver; however, it was the arrow that the City needed to have for different reasons and if the responsibility and opportunity was given away, then he thought it would be a serious mistake in the governance of the community. Director Adcock stated that the Board of Directors was an elected body that was accountable to the citizens of Little Rock for any action regarding eminent domain and the Technology Park Authority was accountable to no one. Director Kumpuris stated that while that fact was true, both the Little Rock Municipal Airport Commission and the Central Arkansas Library System Board of

Trustees, which were appointed by the Board of Directors, had the opportunity and responsibility of utilizing eminent domain.

Director Hendrix made the motion to call the question on the vote. By unanimous voice vote of the Board Members present, **the motion failed.**

Rohn Muse, 822 Lewis Street: Thanked Director Adcock for bringing the ordinance to the Board for discussion and urged the Board to approve the legislation.

Daniel Hopwood, 4317 Maryland Avenue: Stated that it was time to put the issue to rest and asked the Board to approve the ordinance.

Robert Webb, 2209 South Martin Street: Stated that residents of Ward One and Ward Two were the only ones that would be affected should the ordinance not pass. Mr. Webb urged the Board to approve the ordinance.

Dickson Flake, 17 St. John's Place: Stated that he was a member of the Technology Park Authority and that the proposed ordinance was not workable. Mr. Flake stated that the Authority didn't think that eminent domain would be needed and if so, it would not be abused. Mr. Flake asked the Board to not approve the ordinance.

Director Hines made the motion, seconded by Director Hendrix, 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: Wyrick and Adcock. Nays: Hendrix; Hurst; Hines; Kumpuris; Fortson; and Vice-Mayor Wright. Present: Richardson. Absent: Cazort. When asked if he would like to change his vote, Director Richardson stated that he would like for his vote to remain recorded as Present. By a vote of two (2) ayes, six (6) nays, one (1) present and (1) absent, **the ordinance failed.**

CITIZEN'S COMMUNICATION

Loretta Hendrix: General Communications.

Director Adcock made the motion, seconded by Director Kumpuris, for the Board to go into Executive Session for the purpose of appointments. By unanimous voice vote of the Board Members present, **the Board went into Executive Session.**

EXECUTIVE SESSION (Items 16 - 17)

16. RESOLUTION NO. 13,799: To make appointments to various City of Little Rock Boards and Commission; and for other purposes.

Synopsis: Animal Services Advisory Board (2 Positions); City Beautiful Commission (1 Position); Commission on Children Youth and Families (1 Position); Community Housing Advisory Board (5 Positions); Construction Board of Adjustments and Appeals (3 Positions); Historic District Commission (2 Positions); Little Rock Sanitary Sewer Commission (1 Position); MacArthur Military History Museum Commission (3 Positions); Racial and Culture Diversity Commission (3 Positions); River Market District Design Review Committee (1 Position); and Sister Cities Commission (2 Positions).

Animal Services Advisory Board: Appointment of Samuel A. Macheak to serve his first three (3)-year Ward 6 Representative term, said term to expire on November 28, 2016. Director Richardson made the motion, seconded by Director Hurst, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

Children Youth and Families Commission: Appointment of Cory Biggs to fill the unexpired At-Large term of Julie Meyers, said term to expire on May 31, 2015. Director Richardson made the motion, seconded by Director Hurst, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.** (*This appointment was terminated due to the fact that Mr. Biggs was not a resident of the City of Little Rock.*)

City Beautiful Commission: Appointment of Chris Morgan to serve his first three (3)-year At-Large term, said term to expire on October 19, 2016. Director Richardson made the motion, seconded by Director Hines, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

Community Housing Advisory Board: Appointment of Owen Gazette to serve his first three (3)-year Real Estate Business Representative term, said term to expire on June 2, 2016. Appointment of Susannah Shinn to serve her first three (3)-year Non-Profit Representative term, said term to expire on June 2, 2016. Appointment of Terrance Youngblood to serve his first three (3)-year At-Large Term, said term to expire on June 2, 2016. Director Richardson made the motion, seconded by Director Hines, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointments were approved.**

Construction Board of Adjustment and Appeals: Appointment of Ben Stewart to serve his first four (4)-year Registered Mechanical Engineer term, said term to expire on January 5, 2017. Director Richardson made the motion, seconded by Director Hines, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

Historic District Commission: Appointment of Rachelle Walsh to serve her first three (3)-year Quapaw Quarter Association Representative term, said term to expire on June 15, 2016. Director Richardson made the motion, seconded by Director Hurst, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

Little Rock Sanitary Sewer Committee: Appointment of Patrick Miller to fill the expired At-Large term of Cindy Miller, said term to expire on August 1, 2016. Director Richardson made the motion, seconded by Director Fortson, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

MacArthur Military History Museum Commission: Appointment of Bharath Mohan to fill the unexpired term of Devon Cockrill, said term to expire on February 21, 2014. Appointment of Jake Tidmore to fill the unexpired term of James Harvey, said term to expire on February 21, 2014. Director Richardson made the motion, seconded by Director Hines, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointments were approved.**

Racial and Cultural Diversity Commission: Appointment of Chinita Ford to serve her first three (3)-year Ward 5 Representative term, said term to expire on March 31, 2015. Appointment of Felicia Johnson to fill the unexpired term of Akasha Hull, said term to expire on March 31, 2015. Appointment of Barclay Key to fill the unexpired term of John Kerr, said term to expire on March 31, 2014. Director Richardson made the motion,

seconded by Director Fortson, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointments were approved.**

River Market District Design Review Committee: Appointment of Jeremiah Russell, to serve his first three (3)-year Design Professional team, said term to expire on August 6, 2016. Director Richardson made the motion, seconded by Director Fortson, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

Sister Cities Commission: Appointment of Melanie Berman to fill the unexpired term of Don Ernst, said term to expire on January 5, 2018. Appointment of Porsha Hart to fill the unexpired term of Stephen Mitchell, said term to expire on January 5, 2014. Director Richardson made the motion, seconded by Director Hines, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointments were approved.**

17. RESOLUTION NO. 13,800: To make an appointment as a Commissioner on the Little Rock Housing Authority Board of Commissioners; and for other purposes.

Appointment of Ted Dickey to serve his first term as a Commissioner on the Little Rock Housing Authority Board of Commissioners, said term to expire on September 30, 2018. Director Fortson made the motion, seconded by Director Hines, to approve the appointment. By unanimous voice vote of the Board Members present, **the appointment was approved.**

Director Richardson made the motion, seconded by Director Kumpuris, 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