

**Little Rock Board of Directors Meeting
November 16, 2021
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a regular meeting with Mayor Frank Scott, Jr., presiding. City Clerk Susan Langley called the roll with the following Directors present: Miller; Richardson; Webb; Peck; Wright; Wyrick; Kumpuris; Phillips; Adcock; Vice-Mayor Hines; and Mayor Scott. Director Dean Kumpuris delivered the invocation followed by the Pledge of Allegiance.

PRESENTATIONS

Health Heroes Day Proclamation
2022 Budget Presentation Update

CONSENT AGENDA (Items 1 – 6)

1. RESOLUTION NO. 15,561; G-23-479: A resolution to set December 7, 2021, as the date of public hearing on the request to abandon the fifty (50)-foot wide West 2nd Street right-of-way, between South Battery Street and the alley right-of-way within Block 5, Union Depot Addition, and the south ninety-one (91) feet of the fourteen (14)-foot wide alley right-of-way located within Block 5, Union Depot Addition, located east of the intersection of West 2nd Street and South Battery Street in the City of Little Rock, Arkansas; and for other purposes. *Staff recommends approval.*

2. RESOLUTION NO. 15,562; G-23-480: A resolution to set December 7, 2021, as the date of public hearing on the request to abandon the east fifteen (15) feet of the Polk Street right-of-way adjacent to Lot 8, Block 9, Newton’s Addition in the City of Little Rock, Arkansas; and for other purposes. *Staff recommends approval.*

3. RESOLUTION NO. 15,563: To authorize the Mayor and the Board of Directors of the City of Little Rock, Arkansas, to certify City Liens attached to private property and forward to the Pulaski County Treasurer’s Office for inclusion in the property owner’s annual tax bill; and for other purposes. *Staff recommends approval.*

Synopsis: The City attaches liens for work it performs on private property. The lien information is compiled and sent to the Pulaski County Treasurer’s Office for inclusion in the annual owner’s tax bill. This is an effort to recoup some of the costs for that work which the City has performed.

4. RESOLUTION NO. 15,564: To authorize the Mayor and City Clerk to execute any documents necessary to purchase fourteen (14) properties, located in the John Barrow Subdivision, utilizing HOME Investment Partnership Program Funds; and for other purposes. *Staff recommends approval.*

Synopsis: In an effort to maximize the revitalization efforts, the Housing and Neighborhood Programs Community Development Division will develop the lots on 29th Street, Lots 1-12, and Zion Street, Lots 5-6, Blocks 82 & 83, in the John Barrow Subdivision for affordable housing to be sold to an eligible low-to-moderate income buyers. Each vacant lot is approximately 6,600 square-feet, and the property is zoned for R-3, Single-Family District, or R-4, Two-Family District, with dimensions of 48 X 137.5. There are fourteen (14) vacant lots.

5. RESOLUTION NO. 15,565: To authorize the City Manager to renew contacts for a one (1)-year term with Pulaski County Community Services, in a total combined amount of \$397,725.80, for Housing Opportunities for Persons with AIDS (HOPWA); and for other purposes. *Staff recommends approval.*

Synopsis: Renewal of the Housing Opportunities for Persons with AIDS (HOPWA) Funding Grant to the Pulaski County Community Services.

6. RESOLUTION NO. 15,566: To transfer title of the properties located at 3023 West 11th Street and 1614 South Woodrow Street, from the City of Little Rock, Arkansas, to YSD Design & Development (Brittany Hobbs), to be used for Neighborhood Revitalization Programs; and for other purposes. *(Land Bank Commission: 6 aye, 0 nays, 3 absent and 1 abstention) Staff recommends approval.*

Synopsis: In an effort by the Land Bank to maximize the City's revitalization efforts, staff would like to transfer the properties located at 3023 West 11th Street and 1614 South Woodrow Street, Little Rock, Arkansas, to YSD Design & Development (Brittany Hobbs). 3023 West 11th Street is a 7,100 square-foot vacant lot & 1614 South Woodrow Street is a 7,000 square-foot vacant lot.

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

GROUPED ITEMS (Items 7 - 17)

7. ORDINANCE NO. 22,059: To condemn the structure located at 2812 Wright Avenue, in the City of Little Rock, Arkansas, as a structural, fire and health hazard; to provide for summary abatement procedures; to direct City Staff to take such action as is necessary to raze and remove said structure; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Synopsis: A commercial structure located at 2812 Wright Avenue has become run-down, dilapidated, unsightly, dangerous and detrimental to the public welfare of the citizens of the City of Little Rock, Arkansas. All Notices have been mailed in accordance with Arkansas State Law. (Located in Ward 1)

8. ORDINANCE NO. 22,060: To condemn the structure located at 8500 Castle Valley Road, in the City of Little Rock, Arkansas, as a structural, fire and health hazard; to provide for summary abatement procedures; to direct City Staff to take such action as is necessary to raze and remove said structure; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Synopsis: A commercial structure located at 8500 Castle Valley Road has become run-down, dilapidated, unsightly, dangerous and detrimental to the public welfare of the citizens of the City of Little Rock, Arkansas. All Notices have been mailed in accordance with Arkansas State Law. (Located in Ward 7)

9. ORDINANCE NO. 22,061: To condemn the structure located at 12024 Chicot Road, in the City of Little Rock, Arkansas, as a structural, fire and health hazard; to provide for summary abatement procedures; to direct City Staff to take such action as is necessary to raze and remove said structure; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Synopsis: A commercial structure located at 12024 Chicot Road has become run-down, dilapidated, unsightly, dangerous and detrimental to the public welfare of the citizens of the City of Little Rock, Arkansas. All Notices have been mailed in accordance with Arkansas State Law. (Located in Ward 7)

- 10. ORDINANCE NO. 22,062; PB2021-01:** To amend the Little Rock Planning Boundary set by Ordinance No. 18,488 (May 15, 2021), to move the boundary south at Frazier Pike a distance of three-quarters of a mile; and for other purposes. *(Planning Commission: 10 ayes; 0 nays; 0 absent; and 1 open position) Staff recommends approval.*
Synopsis: To extend the Planning Boundary, south 3/4 of a mile, within Sections 34 & 35 T-1-N, R-11-W, both sides of Frazier Pike, north of Harper Road.
- 11. ORDINANCE NO. 22,063; Z-9018-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: 10 ayes; 0 nays; 0 absent; and 1 open position) Staff recommends approval.*
Synopsis: The owner of the 2.25-acre property, located at 4700 South University Avenue is requesting that the property be reclassified from C-3, General Commercial District, to C-4, Open Display District. (Located in Ward 7)
- 12. ORDINANCE NO. 22,064; Z-9605:** 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: 10 ayes; 0 nays; 0 absent; and 1 open position) Staff recommends approval.*
Synopsis: The owner of the 2.70-acre property, located at the northwestern corner of Kanis Road and Denny Road is requesting that the property be reclassified from R-2, Single-Family District, to C-1, Neighborhood Commercial District. (Located within the City's Extraterritorial Jurisdiction)
- 13. ORDINANCE NO. 22,065; Z-9615:** 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: 10 ayes; 0 nays; 0 absent; and 1 open position) Staff recommends approval.*
Synopsis: The owner of the 0.70-acre property, located at 5506 Baseline Road is requesting that the property be reclassified from C-3, General Commercial District, to PD-C, Planned District – Commercial, to allow for a private club. (Located within the City's Extraterritorial Jurisdiction)
- 14. ORDINANCE NO. 22,066:** To condemn the certain structures in the City of Little Rock, Arkansas, as a structural, fire and health hazards; to provide for summary abatement procedures; to direct City Staff to take such action as is necessary to raze and remove said structures; **to declare an emergency;** and for other purposes. *Staff recommends approval.*
Synopsis: Six (6) residential structures are in a severely dilapidated, deteriorated and/or burned condition causing a negative environmental impact on the residential neighborhoods in which they are located. All Notices have been mailed in accordance with Arkansas State Law.
- 15. ORDINANCE NO. 22,067:** To amend Little Rock, Arkansas, Rev. Code Chapter 32, Article X § 34-134 through § 34-135; to permit the operation of Pedicabs in preapproved locations, such as Entertainment Districts with fixed routes; and for other purposes. *Staff recommends approval.*
- 16. ORDINANCE NO. 22,068:** To establish the rate of taxation of property for the City of Little Rock, Arkansas, to be collected in the Year 2022, for various funds of the City of Little Rock; **to declare an emergency;** and for other purposes. *Staff recommends approval.*
Synopsis: Adoption of the ordinance levying Property Taxes to be paid on real and personal property located within the City of Little Rock, Arkansas.
- 17. ORDINANCE NO. 22,069:** To dispense with the requirement of competitive selection, and to authorize the City Manager to enter into a contract with the University of Arkansas, A+ Arkansas, in an amount not to exceed \$495,272.00, for a Community Schools Art Afterschool Three (3)-year Pilot Program, to commence on November 15,

2021, as endorsed by the Commission on Children, Youth and Families; and for other purposes. *Staff recommends approval.*

Synopsis: To authorize the City Manager to enter into a sole-source contract with the University of Arkansas, A+ Arkansas to provide programming for a Community Schools Art Afterschool Pilot Program.

The ordinances were read the first time. Director Adcock made the motion, seconded by Director Wyrick, 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 Wyrick, 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 Wright voting in opposition on Item 17, **the ordinances were approved.** By unanimous voice vote of the Board Members present, **the Emergency Clause for Item 7 was approved.** By unanimous voice vote of the Board Members present, **the Emergency Clause for Item 8 was approved.** By unanimous voice vote of the Board Members present, **the Emergency Clause for Item 9 was approved.** By unanimous voice vote of the Board Members present, **the Emergency Clause for Item 14 was approved.** By unanimous voice vote of the Board Members present, **the Emergency Clause for Item 16 was approved.** By voice vote of the Board Members present, with Director Wright voting in opposition, **the Emergency Clause for Item 17 was approved.**

SEPARTE ITEMS (Items 18 – 21)

18. ORDINANCE: Z-9610: To approve a Planned Zoning Development and establish a Planned District – Commercial, titled The Kum and Go PD-C, located at the southeast corner of Cantrell Road and Chenonceau Boulevard, 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) (Deferred from November 2, 2021) Staff recommends approval.*

Synopsis: The applicant is requesting that the 1.51-acre property, located at the southeast corner of Cantrell Road and Chenonceau Boulevard, be rezoned from C-3, General Commercial District, to PD-C, Planned District – Commercial, to allow for a convenience store development. (Located in Ward 5)

The ordinance was read the first time. Director Adcock made the motion, seconded by Vice-Mayor Hines, 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 Wright, to suspend the rules and place the ordinance on third reading.

Randy Frazier: Stated that he represented the Chevaux Court and Bayonne Court Neighborhood Associations, which were located in close proximity to the proposed development.

Barbara Graves: Stated that she lived in the Chevaux Court Neighborhood and that the residents were opposed to the proposed development, which would be located approximately 200 feet from the entrance to their neighborhood. Ms. Graves stated that they were opposed to the intensity of the development, as well as the reduction in hours.

Bill Pendergist: Stated that he had lived in Little Rock for the majority of his life and that he was in support of the proposed development.

Robert Dunaway: Stated that he was a resident of the Bayonne Place Neighborhood and that he was against the proposed development. Mr. Dunaway stated that the intersection at Cantrell Road and Chenonceau Boulevard was already dangerous and the addition of the convenience store would just add to the traffic. Mr. Dunaway stated that there were already three (3) gas station/convenience stores within 1.8 miles of the proposed development.

Grant Cox: Stated that he represented the owners of the proposed development. Mr. Cox stated that the property was currently zoned C-3, General Commercial District, and it fit within the uses of that zoning classification. Mr. Cox stated that the owners had worked with City Staff and the residents in the area to address concerns that had been raised.

Director Kumpuris stated that one of the issues for that area of Little Rock was not only the zoning for the City, but for what Deltic Potlatch and the Chenal Association Architectural Control Committee felt was important for the area. Director Kumpuris stated that the Board had received a letter from Bill Spivey, legal counsel for Deltic Potlatch, indicating that there had not been any agreement reached regarding what the property group had considered important. Mr. Cox stated that he had not been in touch with Mr. Spivey; however, he knew that the applicant had spoken with him.

City Attorney Tom Carpenter stated that Mr. Spivey and Director Antwan Phillips were employed by the same law firm, and that Director Phillips had asked if his voting on the matter would violate the City's Conflict of Interest Ordinance. City Attorney Carpenter stated that because Director Phillips did not own a 10% interest in law firm, he was in compliance with the ordinance.

Mike Clotfelter: Stated that he was with Ozark Civil Engineering, and was present representing their client, Kum and Go. Mr. Clotfelter stated that site plan for the proposed development consisted of a 3,968 square-foot store with six (6) fuel pumps and approximately eighteen (18) parking spaces. Mr. Clotfelter stated that there was opposition to the building setback lines; however, the applicant had met the City's minimum requirements of a thirty (30)-foot setback along Chenonceau Boulevard. Mr. Clotfelter stated that following the Planning Commission Meeting, some minor internal adjustments had been made and the overall development criteria of fifty (50)-foot setback requirements had been met. Mr. Clotfelter stated that in regards to the median, they had spoken with the City's Engineering Staff and were able to accomplish the additional turn-lane by utilizing the east side of the right-of-way.

Todd Butler: Stated that he was with Ozark Civil Engineering and that the Potlatch Architectural Review Board had been pleased with the submission; however, they had asked for additional detail.

Director Kumpuris stated that he couldn't support the project until he was sure that the applicant, Deltic Potlatch and the Chenal Association Architectural Control Committee were on the same page. Director Kumpuris asked if the plan approved by the Planning Commission was the same plan that the Board was being asked to approve that evening. Mr. Butler stated that the plan was the same; however, the canopy had been moved forward.

Alex Sappingfield: Stated that he was the Real Estate Development Manager for Kum & Go. Mr. Sappingfield stated that the main concern he had heard regarding the

proposed development were the hours of operation. Mr. Sappingfield stated that it was unusual for Kum & Go to open a store with restricted hours; however, in order to appease the neighborhood, they had agreed to limit the hours of operation to 5:00 AM – 11:00 PM.

Director Richardson made the motion, seconded by Director Webb, to call the question on the vote. By unanimous voice vote of the Board Members present, **the question to call the vote was approved.**

By roll call vote the vote was as follows: Ayes: Richardson; Wright; Wyrick; and Adcock. Nays: Miller; Webb; Peck; Kumpuris; Phillips; and Vice-Mayor Hines. By a vote of four (4) ayes and six (6) nays, **the ordinance failed.**

19. ORDINANCE NO. 22,070: To amend Little Rock, Ark., Rev. Code §2-241 (1988) to clarify the authority of the City Manager to authorize City Expenditures; **to declare an emergency;** and for other purposes. *Staff recommends approval. (Sponsored by Vice-Mayor Hines)*

The ordinance was read the first time. Director Adcock made the motion, seconded by Director Wright, 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 Vice-Mayor Hines, to suspend the rules and place the ordinance on third reading.

Vice-Mayor Hines stated that he had received several e-mails regarding the item and that Arkansas Municipal League Executive Director Mark Hayes had sought an outside attorney's opinion concerning the matter. Vice-Mayor Hines stated that the City Attorney and the Attorney General were the only two (2) attorneys that the Board should ever seek an opinion from.

Director Phillips stated that he would be voting against the ordinance and that it would be prudent of the Board to address the concerns of two (2) different lawyers that had sent the Board correspondence.

Director Wyrick stated that she had not had an opportunity to read the correspondence from Mr. Hayes, and that she would like to see the issue tabled until City Attorney Carpenter had a chance to review the correspondence and present his thoughts.

Director Wyrick made the motion, seconded by Director Miller, to table the item for two (2) weeks. By voice vote of the Board Members present, **the motion failed.**

Director Phillips stated that he appreciated Vice-Mayor Hines bringing the ordinance forward to clarify the issue; however, he would amend it to say that the City Manager actually had the authority to handle settlements up to a certain dollar amount and anything above that amount would then go to the Board.

Director Phillips made the motion, seconded by Director Richardson, to amend the ordinance to authorize the City Manager to handle settlements up to a specified dollar amount. By roll call vote the vote was as follows: Ayes: Miller; Richardson; and Phillips. Nays: Webb; Peck; Wright; Wyrick; Kumpuris; Adcock; and Vice-Mayor Hines. By a vote of three (3) ayes and seven (7) nays, **the motion failed.**

By roll call vote the vote was as follows: Ayes: Webb; Peck; Wright; Kumpuris; Adcock; and Vice-Mayor Hines. Nays: Miller; Richardson; Wyrick; and Phillips. By a vote of six (6) ayes and four (4) nays, **the ordinance was approved**. By voice vote of the Board Members present, with Director Richardson voting in opposition, **the emergency clause was approved**.

Director Adcock asked if the Board could take a five (5)-minute break. Mayor Scott announced that the Board would take a five (5)-minute break.

20. ORDINANCE: To permit the selection of three (3) members of the Board of Directors from Designated Districts, to be referred to as Regional District that overlap Ward boundaries as a means of repurposing the three (3) current At-Large Positions; to call an election during the 2022 General Election on the issue of whether to utilize Regional Districts as a means of repurposing the current three (3) At-Large Districts; **to declare an emergency**; and for other purposes. *(Sponsored by Director Phillips)*

The ordinance was read the first time. Director Richardson made the motion, seconded by Director Phillips, 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 Richardson made the motion, seconded by Vice-Mayor Hines, to suspend the rules and place the ordinance on third reading.

Rick Campbell: Stated that he was the Chair of the Little Rock Governance Study Committee and that the proposed ordinance had been one of their recommendations and urged the Board to support the ordinance.

Rohn Muse: Stated that he was against the proposed ordinance and asked that the Board vote against the ordinance.

Kim Lee: Stated that she was a lifelong resident of Southwest Little Rock and that with the growth of the City, as indicated by the recent Census, she thought the entire City was too large of an area for an At-Large Member. Ms. Lee stated that the dynamics of the Board needed to be changed and urged the Board to support the proposed ordinance.

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

By roll call vote the vote was as follows: Ayes: Richardson; Webb; and Phillips. Nays: Miller; Peck; Wright; Wyrick; Kumpuris; Adcock; and Vice-Mayor Hines. By a vote of three (3) and seven (7) nays, **the ordinance failed**.

21. ORDINANCE: To amend Section 2(a) of Little Rock, Ark., Ordinance No. 19,761 (June 12, 2007), approved by the electors on August 14, 2007; to authorize the Mayor to appoint a person to hold, or terminate a person from, the position of City Manager and City Attorney, absent an action by other members of the Board of Directors to override such action; **to declare an emergency**; and for other purposes. *(Sponsored by Director Phillips)*

The ordinance was read the first time. Director Phillips 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 Phillips made the motion, seconded by Director Richardson, to suspend the rules and place the ordinance on third reading.

Director Wright made the motion, seconded by Vice-Mayor Hines, to call the question on the vote. By voice vote of the Board Members present, with Director Phillips voting in opposition, **the question to call the vote was approved.**

By voice vote of the Board Members present, with Director Richardson voting Present, **the ordinance failed.**

CITIZEN COMMUNICATION

There were no cards received from individuals wanting to speak during Citizen Communication.

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

ATTEST:

APPROVED:

Susan Langley, City Clerk

Frank Scott, Jr., Mayor