

Little Rock Board of Directors Meeting
May 1, 2018
6:00 PM

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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; Peck; Hines; Wright; Wyrick; Kumpuris (enrolled at 6:19 PM); Fortson; Adcock; Vice-Mayor Webb; and Mayor Stodola. Director Ken Richardson delivered the invocation followed by the Pledge of Allegiance.

PRESENTATIONS:

Little Rock Central High School – 7A Boys Swimming 2018 State Championship
International Building Safety Month Proclamation
Little Rock National Airport Presentation

ADDITIONS:

M-1 ORDINANCE: To repeal Ordinance No. 21,274 (July 19, 2016) due to a clerical error; ***to declare an emergency***; and for other purposes.

Director Adcock made the motion, seconded by Director Hines, to add Item M-1 to the Grouped Items. By unanimous voice vote of the Board Members present, **Item M-1 was added to the Grouped Items.**

DEFERRALS:

8. RESOLUTION: To authorize the use of Eminent Domain on the Woodson Road, Chateaus Lane and Colonel Glenn Road/Timberland Drive Improvement Projects; and for other purposes. *(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax) Staff recommends approval. (Deferred until May 15, 2018, at staff's request)*

Synopsis: Authorizes the City Attorney to use eminent domain to complete acquisition of right-of-way, permanent and temporary construction easements for the Woodson Road (Ward 2), Chateaus Lane (Ward 7), and Colonel Glenn Road/Timberland Drive (Ward 7) Improvement Projects.

Director Adcock made the motion, seconded by Director Hines, to defer Item 8 until May 15, 2018, at staff's request. By unanimous voice vote of the Board Members present, **Item 8 was deferred until May 15, 2018.**

WITHDRAWALS:

9. ORDINANCE; Z-7607-B: To approve a Planned Zoning Development and establish a Planned Commercial District titled Lot A Chateaus on Stagecoach Lane Revised PCD, located on the northwest corner of Chateaus Lane and Stagecoach Road, Little Rock,

Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. ***(Withdrawn at the request of the applicant)*** *Planning Commission: 10 ayes; 0 nays; 1 recusal; and 0 absent. Staff recommends approval*

Synopsis: The applicant is proposing to revise the PCD, Planned Commercial Development, zoning for Lot A. The applicant is proposing to construct a 6,000 square-foot office building along with thirty-two (32) parking spaces. (Located in Ward 7)

Director Adcock made the motion, seconded by Director Hines, to withdraw Item 9 from the Agenda. By unanimous voice vote of the Board Members present, **Item 9 was withdrawn from the Agenda.**

CONSENT AGENDA (Items 1 – 5)

1. RESOLUTION NO. 14,772: To authorize the City Manager to execute a contract with Gene Summers Construction, Inc., in an amount not to exceed \$198,194.40, for Hutsell Road Drainage Improvements; and for other purposes. ***(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax)*** *Staff recommends approval*

Synopsis: Authorizes the City Manager to execute an agreement with Gene Summers Construction, Inc., for Hutsell Road Drainage Improvements, Project No. 16-2-DR-25, Bid No. 18010. (Located in Ward 2)

2. RESOLUTION NO. 14,773: To authorize the City Manager to execute a contract with Arkansas Line Marking, LLC, in an amount not to exceed \$146,520.00, for pavement markings within the City of Little Rock, Arkansas; and for other purposes. *Staff recommends approval*

Synopsis: Authorizes the City Manager to execute an agreement with the low bidder, Arkansas Line Marking, LLC, for street pavement marking improvement in the City of Little Rock.

3. RESOLUTION NO. 14,774: To authorize the City Manager to execute a contract with Harris Construction Management, Inc., in an amount not to exceed \$134,622.00, for the construction of the University District Harrison Street Sidewalks; and for other purposes. ***(Funding from the 2012 3/8-Cent Capital Improvement Sales Tax)*** *Staff recommends approval*

Synopsis: Authorizes the City Manager to execute an agreement with Harris Construction Management, Inc., for a new sidewalk on Harrison Street in the University District Development area, ARDOT Job No. 061416 SRTS(2012). Bid No. 18026. (Located in Ward 2)

4. RESOLUTION NO. 14,775: To authorize the City Manager to endorse a resolution and to sign grant documents and execute agreements to utilize a Transportation Alternatives Program utilizing grant funds; to fund the creation of a Master Complete Streets Plan that will assist with the implementation of the Complete Streets Policy pursuant to Ordinance No. 21,029 (April 21, 2015); and for other purposes. *Staff recommends approval*

Synopsis: To authorize the City Manager to accept a resolution to Utilize Federal-Aid Transportation Alternatives Program Funds to fund a Master Complete Streets Plan that will inform the implementation of the Complete Streets Ordinance, Ordinance No. 21,029, which was passed on April 21, 2015.

5. RESOLUTION NO. 14,776: To certify local government endorsement of Joseph T. Ryerson & Son, Inc., located at 7701 Lindsey Road, Little Rock, Arkansas, to participate in the Arkansas Tax Back Program (as authorized by Ark. Code Ann. § 15-4-2706(D) of

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.**

CITIZEN COMMUNICATION

Rohn Muse: Limiting At-Large Positions.

Russ Racop, 301 Alamo Drive: OK Program & City Leadership.

GROUPED ITEMS (Items 6 – 7 and Item M-1)

6. ORDINANCE NO. 21,581; Z-5718-C: To approve a Planned Zoning Development and establish a Planned Industrial District titled West Tree Service Revised Short-Form PD-I, located at 6300 Forbing Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; 1 recusal; and 0 absent. Staff recommends approval*

Synopsis: The applicant is proposing to amend the previously-approved PD-I, Planned Development - Industrial, to allow the existing northern fence to be moved further north and allow the existing graveled parking to be expanded to the north. The applicant is proposing to maintain the previously-approved building locations. (Located in Ward 2)

7. ORDINANCE NO. 21,582; Z-9304: To approve a Planned Zoning Development and establish a Planned Commercial District titled Central Acquisitions, LLC, Short-Form PD-C, located at 12620 Lawson Road, Pulaski County, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 10 ayes; 0 nays; 1 recusal; and 0 absent. Staff recommends approval*

Synopsis: The applicant is proposing a rezoning of the site from R-2, Single-Family District, to PD-C, Planned Development - Commercial, to allow for the development of the site with an office/warehouse for a pest control business. (Located in Ward 6)

M-1 ORDINANCE NO. 21,583: To repeal Ordinance No. 21,274 (July 19, 2016) due to a clerical error; **to declare an emergency**; and for other purposes.

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Hines, to read the ordinances a second time. By unanimous voice vote of the Board Members present, the ordinances were read a second time. Director Adcock made the motion, seconded by Director Wright, 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.** By unanimous voice vote of the Board Members present, **the emergency clause for Item M-1 was approved.**

SEPARATE ITEMS (Items 10 - 11)

10. ORDINANCE NO. 21,584; Z-9303: To approve a Planned Zoning Development and establish a Planned Commercial District titled Cigar Republic Short-Form PCD, located at 1315 Breckenridge Drive, Little Rock, Arkansas, amending the Official Zoning

Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 11 ayes; 0 nays; and 0 absent. Staff recommends approval*

Synopsis: The applicant is requesting a rezoning of the site from C-3, General Commercial District, to PCD, Planned Commercial Development, to add a private club as an allowable use. (Located in Ward 4)

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Wright, to read the ordinance a second time. By unanimous voice vote of the Board Members present, 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. By unanimous voice vote of the Board Members present, the rules were suspended and the ordinance was read a third time.

Joe Miller: Stated that he was the applicant for the proposed project, and that on January 2, 2018, he had met with over sixty (60) concerned members of the three (3) adjacent neighborhood associations and after a presentation and question & answer session, most of the residents were more comfortable with the proposed project. Mr. Miller stated that after the meeting, he received the endorsement of the Breckenridge Neighborhood Association. Mr. Miller stated that he had worked with Planning & Development Staff to put together an application that was positive and would only be good for his business. Mr. Miller stated that he was purchasing the building and under his application, if someone were to lease or purchase the building, they would have to reapply for new zoning. Mr. Miller stated that he had agreed to close at 12:00 AM, or earlier, and there would be no loud music on the patio or inside.

Carolyn Evans-Stone, 39 Warwick Road: Stated that she was the President of the Breckenridge Neighborhood Association and that Mr. Miller had worked closely with the neighborhood to ease their apprehensions regarding the proposed project. Ms. Evans-Stone stated that the Association was supportive of the application.

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

11. ORDINANCE NO. 21,585; Z-9305: To approve a Planned Zoning Development and establish a Planned Commercial District titled Meyer Long-Form PD-C, located at 10 Rusty Tractor Lane, Pulaski County, 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 refusal. Staff recommends approval.*

Synopsis: The applicant is proposing to rezone the site from R-2, Single-Family District, to PD-C, Planned Development - Commercial, to allow the use of the property as an events center. (Located in the City's Extraterritorial Jurisdiction)

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Wright, to read the ordinance a second time. By unanimous voice vote of the Board Members present, 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. 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.**

DISCUSSION ITEMS (Item 12)

12. DISCUSSION: At-Large City Directors.

Director Hendrix stated that the discussion had to do with Liberty and Justice for everybody and she was asking for comments from the other Directors. Director Richardson stated that he had a series of questions regarding the At-Large positions and asked that City Attorney Tom Carpenter provide a memorandum that would answer his various questions. City Attorney Carpenter stated that one of the Future Little Rock Subcommittees was the Governance Committee and they had researched the concept of the directly-elected Mayor; the change to the Mayor-Council Form of Government; and the election of Board Members (i.e., all Wards, some Wards or a combination). City Attorney Carpenter stated that the Committee recommended the form of government that the City currently operated under: seven (7) Ward Members; three (3) At-Large Members; and a directly-elected Mayor that would receive 40% of the vote in the initial election or face a run-off. City Attorney Carpenter stated that the plurality for all Ward elections was maintained – whether they were At-Large or Ward elected. City Attorney Carpenter stated that the recommendation was then voted on by the people. City Attorney Carpenter stated that approximately eight (8) to ten (10) years later, Vision Little Rock was formed, which also included a Governance Committee. City Attorney Carpenter stated that the recommendation was made to remain with the City Manager Form of Government and to maintain the current make-up of the Board of Directors. City Attorney Carpenter stated that four (4) to six (6) years prior, John Walker had filed a lawsuit against the City alleging that the At-Large representation violated Section 2 of the Voting Rights Act. City Attorney Carpenter stated that the elections were analyzed to the date of his lawsuit and reviewed and the determination was made that there was no evidence of any inability or barrier to competition for any particular race.

Robert Webb: Stated that he was opposed to the At-Large Directors and urged the Board to support an ordinance that would eliminate the At-Large positions.

Russ Racop, 301 Alamo Drive: Stated that the Board should have an in-depth conversation regarding the At-Large positions and put it to the voters.

Director Wright stated that out of all the neighborhood meetings she attended in Ward 6, none of her constituents had ever raised concern regarding At-Large positions. Director Hendrix asked City Attorney Carpenter to complete the proposed ordinance for her to bring before the Board. City Attorney Carpenter stated that the Board had already received both drafts of the proposed ordinance. City Attorney Carpenter stated that it was her right as a Board Member to make it known at that evening's meeting that the ordinance would be placed on the May 15, 2018, Board Agenda. Director Hendrix stated that she was officially making it known that the proposed ordinance would be placed on the May 15, 2018, Board Agenda for action. Mayor Stodola asked if the research that Director Richardson had requested would be completed within that two (2)-week time period. City Attorney Carpenter suggested that at the May 15, 2018, meeting, he present the Board with that research and then have the ordinance placed on the June 5, 2018, Board Agenda. Director Hendrix reiterated that she wanted the ordinance on the May 15, 2018, Agenda.

EXECUTIVE SESSION (Item 13)

13. EXECUTIVE SESSION:

Director Richardson made the motion, seconded by Director Wright, for Board to go into Executive Session for the purpose of personnel issues.

Director Adcock stated that the Board had not been previously advised of a potential Executive Session, nor were the City Attorney and City Manager aware of their evaluations being conducted that evening. Director Adcock stated that it was unfair to both employees to conduct their evaluations without receiving advance notification. Director Kumpuris stated that he completely agreed and it was unfair to tell an employee two (2) to three (3) hours beforehand that they were going to be evaluated.

By roll call vote, the vote was as follows: Ayes: Richardson; Peck; Hines; Wright; Wyrick; Fortson; and Vice-Mayor Webb. Nays: Hendrix; Kumpuris; and Adcock. By a vote of seven (7) ayes and three (3) nays, **the Board went into Executive Session for the purpose of personnel issues.**

The Board returned from Executive Session.

Mayor Stodola stated that the Board had discussed personnel issues; however, no action was taken.

Director Peck made the motion, seconded by Director Fortson, to recess the meeting until May 8, 2018, for the purpose of continuing the personnel discussion. By unanimous voice vote of the Board Members present, **the meeting was recessed until May 8, 2018.**

ATTEST:

APPROVED:

Susan Langley, City Clerk

Mark Stodola, Mayor