

**Little Rock Board of Directors Meeting
May 16, 2017
6:00 PM**

The Board of Directors of the City of Little Rock, Arkansas, met in a 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; Fortson; Adcock; Vice-Mayor Webb; and Mayor Stodola. Director Gene Fortson delivered the invocation, which was followed by the Pledge of Allegiance.

ADDITIONS:

M-1 RESOLUTION: To amend Little Rock, Ark., Resolution No. 13,329 (June 7, 2011), to expand the current area for a Non-Exclusive Agreement with the Arkansas Research and Education Network (AREON); to permit further expansions upon review by the City Manager; and for other purposes.

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

DEFERALS:

4. ORDINANCE: To amend Chapter 8, of the Revised Code of Ordinances of the City of Little Rock, Arkansas, to adopt the 2009 International Energy Conservation Code for Residential Structures with amendments herein; and for other purposes. *Staff recommends approval. (Deferred until June 6, 2017)*

Synopsis: The State of Arkansas adopted the 2009 International Energy Conservation Code, but deleted the standards for testing. This adoption would put the standards back in place for new residential construction.

Director Adcock made the motion, seconded by Director Hines, to defer Item 4 until June 6, 2017. By unanimous voice vote of the Board Members present, **Item 4 was deferred until June 6, 2017.**

Mayor Stodola stated that he had circulated a resolution regarding the request to hold an election for a new Little Rock School District School Board and would like to follow the Board Policy of adding it to the next agenda, which would be June 6, 2017.

Director Kumpuris stated that he would like for the Board to table Item #8 due to the fact that the community was divided and there were many strong emotions involved. Director Kumpuris stated that he had heard from several individuals that had brought forth various ideas regarding how to best address the issue. Director Kumpuris stated that he and Director Webb had visited and would like to see a committee formed that would be made up of citizens that would meet, research actions taken by other

municipalities and discuss best practices on dealing with the issue of feeding the homeless. Director Kumpuris made the motion seconded by Director Wright, to table the issue for eight (8) weeks and ask that the committee come back to the Board and present their recommendations.

Director Webb stated that the suggestion was to form a committee, facilitated by Assistant City Manager James Jones and made up of representatives from the InnerFaith Alliance, the Homeless Coalition, Parks & Recreation, Little Rock Convention & Visitors Bureau, The Downtown Partnership, Little Rock Police Department, The Clinton Center and a River Market Business Owner. Director Adcock asked if the committee would be equally divided between the business community and those organizations that actually served the homeless. Director Adcock stated that she would like to see at least two (2) other individuals added that either worked with the homeless or were involved with organizations connected to the homeless, and two (2) individuals that were actually homeless; one (1) sheltered and one (1) unsheltered. Director Hines stated that the homeless problem was an issue throughout the City, even in West Little Rock, and asked that the committee be expanded to be more inclusive.

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

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

CONSENT AGENDA (Items 1 – 3 and Item M-1)

1. RESOLUTION NO. 14,565: To authorize the City Manager to enter into a contract with J.A. Riggs, in an amount not to exceed \$51,070.80, for a Caterpillar Model 249D, utilizing the National Joint Powers Alliance; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with J.A. Riggs for the purchase of a Caterpillar Model 249D for the Little Rock Parks and Recreation Department.

2. RESOLUTION NO. 14,566: To authorize the City Manager to enter into an agreement with Superior Protection Services Corporation d/b/a Advert Group USA, in an amount not to exceed \$216,500.00, to provide Security Services for City Structures; and for other purposes. *Staff recommends approval.*

Synopsis: Bid No. C17128 for Security Services was issued on March 8, 2017. The lowest qualified contractor was Superior Protection Services Corporation, d/b/a Advert Group, USA, of Little Rock, Arkansas.

3. RESOLUTION NO. 14,567: To set a moratorium on the approval of any Conditional Use Permit for a residential development in the extraterritorial jurisdiction that intends to use a package plant as the Waste Water Treatment Plant, until the existing studies on sewer service to such an area, and the provision of service to such an area is complete; and for other purposes. *Staff recommends approval.*

M-1 RESOLUTION NO. 14,569: To amend Little Rock, Ark., Resolution No. 13,329 (June 7, 2011), to expand the current area for a Non-Exclusive Agreement with the Arkansas Research and Education Network (AREON); to permit further expansions upon review by the City Manager; and for other purposes.

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 5 - 6)

5. ORDINANCE NO. 21,404; Z-7091-A: To approve a Planned Zoning Development and establish a Planned Office District, titled Presbyterian Village Revised Short-Form POD, located at 510 Brookside 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 to revise the previously-approved PD-R, Planned Development - Residential, and to rezone the site to POD, Planned Office Development, to allow for the construction of a chapel along the Brookside Drive face of the building for the residents. (Located in Ward 4)

6. ORDINANCE NO. 21,405: To dispense with the requirement of competitive selection and to authorize the City Manager to renew a contract with INFOR (US), Inc., in an amount not to exceed \$1,303,974.65, plus any applicable taxes, for software maintenance for the City's Enterprise Resource Planning System; **to declare an emergency**; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of an ordinance authorizing the City Manager to renew the Sole-Source Software Maintenance Agreement with INFOR (US), Inc., for up to five (5) additional annual periods.

The ordinances were read a first time. Director Adcock made the motion, seconded by Director Wright, 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 Fortson, 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 6 was approved.**

SEPARATE ITEMS (Item 7)

7. RESOLUTION NO. 14,568: To approve one (1) Operator Permit and seven (7) Taxicab Permits for Ken's Cab, LLC, for the period from January 1, 2017, to December 31, 2017; and for other purposes. *Staff recommends approval.*

Synopsis: Ken's Cab, LLC, requests the grant of one (1) Operator's Permit, and seven (7) Taxicab Operator Permits.

Director Adcock asked if Ken's Cab had been operating illegally within the City of Little Rock. City Manager Bruce Moore stated that he had observed them operating within the City. Director Adcock asked about the status of the lawsuit that Ken's Cab had filed against the City. City Attorney Tom Carpenter reported that the lawsuit was over and that it had ended with the finding that the City's requirement on the showing of necessity and convenience was not legal in light of the fact that the Transportation Network Companies (TNCs), such as Uber, were now present. Director Adcock asked where the twenty-four (24)-hour dispatch center was located that Ken's Cab would be utilizing. Fleet Services Director Willie Hinton stated that the dispatch center was located at 1015 East 2nd Street and that staff had inspected the facility. Director Adcock stated that 2nd Street was the location of the legal counsel for Ken's Cab and that it appeared that they were working out of his office. Director Adcock asked how many employees were associated with Ken's Cab. Mr. Hinton stated that currently they had three (3) taxicabs, with plans to expand to eight (8), and he was not aware of the number of individuals in the actual dispatch center. Director Adcock asked if the cabs were dispatched from a cell phone or from an actual individual located at a dispatch center. City Attorney Carpenter stated that if the Taxi Cab Permit was approved, a 24/7 Dispatch Center would be required.

Director Adcock asked where the cabs would be located when they were not in use. Kenneth Leininger owner of Ken's Cab stated that they did not have a storage facility and that the drivers took their cabs home with them. Director Adcock asked if the location at 1015 East 2nd Street was a joint office, or for taxi cab dispatch. Mr. Leininger reported that it was an office building and they maintained an office within the building.

Director Richardson made the motion, seconded by Director Hines, to approve the resolution. By voice vote of the Board Members present, with Director Adcock voting in opposition, **the resolution was approved.**

PUBLIC HEARINGS (Items 9 - 10)

9. ORDINANCE NO. 21,407; G-24-051: To abandon a twenty (20)-foot wide Access and Utility Easement, located in the southern portion of Lot 204 Sandpiper Addition, in the City of Little Rock, Arkansas; and for other purposes. *Staff recommends approval.*

Synopsis: The owner of the vacant R-2, Single-Family District, zoned lot, located at 2301 Peachtree Drive (Lot 204, Sandpiper Addition to the City of Little Rock, Arkansas) is requesting the abandonment of a twenty (20)-foot wide Access and Utility Easement, located in the southern portion of the lot. (Located in Ward 6)

Mayor Stodola opened the public hearing

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

10. ORDINANCE NO. 21,408; Z-5936-O: To approve a Planned Zoning Development and establish a Planned Residential District, titled Tract 75 Chenal; Valley Long-Form PR-R, located on the northwest corner of Champagnolle Drive and Rahling Road, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 4 ayes; 5 nays; and 2 absent. Staff recommends approval.*

Synopsis: The applicant, Deltic Timber Corporation, is appealing the Planning Commission's recommendation of denial for a Planned Residential Development located on the Northwest corner of Champagnolle Drive and Rahling Road. (Located in Ward 5)

Mayor Stodola opened the public hearing

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Fortson, 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 Fortson, 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.

Planning & Development Director Tony Bozynski stated that the property in question was currently zoned Planned Office Development – Expired. Mr. Bozynski stated that the property was reclassified to Planned Development in 2010 and that a Planned Development had a life of three (3) years unless the project had started or an extension was requested. Mr. Bozynski stated that staff from both Planning & Development and Public Works had determined that the entire Tract 75 had been zoned O-2, Office and Institutional District, prior to the Planned Development. Mr. Bozynski stated that Ordinance No. 15,259 (March 17, 1987), approving the Chenal Zoning Plan, covered a total of 3,000 acres and stated that all property within the described area zoned R-2, Single-Family District, with the exception of Tract 9, which was approximately seventy-five (75) acres and included Tract 75, which was zoned O-2. Mr. Bozynski stated that the map that laid out the Zoning Plan showed the area as O-2 with a proposed medical clinic at one location, a branch bank, a church and a hospital reserve. Mr. Bozynski stated that the area had a very mixed zoning pattern, which included Planned Development; C-1, Neighborhood Commercial District; C-2, Shopping Center District; and C-3, General Commercial District, in close proximity, and staff felt that the proposed age-restricted multi-family development fit the zoning pattern.

Director Fortson asked what could be built by-right on property that was zoned O-2. Mr. Bozynski stated O-2 was a Site Plan Review District and that before anything could be built, it had to be approved by the Planning Commission. Mr. Bozynski stated that by-right permitted uses included: bank or savings and loan office; church; college/university; college dormitory; college fraternity or sorority house; day care center (both children and adults); fire station; hospital; nursing home or convalescent home; office (general or professional); and photography studio. Mr. Bozynski stated that the conditional uses included: cemetery; eating establishment without drive-in service;

health studio or spa; high-rise multi-family, with a density of not greater than thirty (30) units per acre; and hotel/motel.

Director Fortson stated that he had received an e-mail from a constituent that referenced an agreement that may have existed at some point in time between the Developer and residents in the area. City Attorney Carpenter stated that he had reviewed the agreement and the ordinances that dealt with the tract of property. City Attorney Carpenter stated that the agreement dealt with the prior zoning request and contained in the agreement were certain things that Deltic would do, such as making a contribution towards a gate for a particular community. City Attorney Carpenter stated that the agreement only dealt with that particular project, which did not cover all of the property and had nothing to do with the Planned Development request that was before the Board.

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

Bill Spivey: Stated that he was legal counsel for the Deltic Timber Corporation, the applicant in the appeal. Mr. Spivey stated that they property in question had been zoned O-2 for over thirty (30) years, with the exception of a Planned Office Development overlay that occurred in 2010, which had expired and was subject for revocation. Mr. Spivey stated that in 2008, a 100-foot undisturbed buffer was created between the Witry Court Neighborhood and Tract 75. In addition, Mr. Spivey stated that there was some rezoning the occurred on a completely different parcel of property located south of Champagnolle Drive where a formerly MF-24, Multifamily District, site was rezoned to a combination of C-1 and C-2 with some restrictions. Mr. Spivey stated that all the zoning changes occurred with the understanding, approval and support of the Witry Court Neighborhood. Mr. Spivey stated that Deltic had made a \$25,000.00 contribution to assist in the construction of gate and Deltic's Engineer, with the cooperation of the Witry Court Neighborhood and the Bascom Place Neighborhood, designed, constructed and installed two (2) pedestrian tables on Champagnolle Drive, which was intended to slow traffic.

Tim Daters: Stated that he was a Consultant Engineer with White Daters & Associates and explained the layout of the proposed project. Mr. Daters stated that due to the fact that the development was a senior housing facility, they did not need the same number of parking spaces as a more traditional multifamily development, and that the facility could operate successfully with approximately 165 – 170 parking spaces. Mr. Daters stated that because more parking was not needed, less of the site would be utilized; therefore, it would leave more of the site undisturbed. Mr. Daters stated that there were a series of garages adjacent to the fifty (50)-foot open space area which would help to screen the parking area and drive from the Witry Neighborhood. Mr. Daters reported that it was 362 feet, or approximately one (1)-City block, from the rear of the closest residence to the proposed structure and that the floor elevation of the proposed structure was thirteen (13) feet below the residence, with the roof elevation (eave) being three (3) feet below the eave of the residence.

Bob Lewis: Stated that he was with Cameron General Contractors, the Developer for the project. Mr. Lewis stated that there would be 130 units, 128 of which would be rentable. In addition, there would be one (1) guest suite and one (1) suite for a live-in Manager. Mr. Lewis stated that they operated sixteen (16) of that type of facility around the country, with an additional twenty (20) in the planning stages.

Jennifer Hill, 7 Witry Court: Stated that she lived in the Witry Court Neighborhood and was against the development due to the fact that her back-yard would back up to the structure. Ms. Hill stated that she did not feel that the development was appropriate for the area.

Elijah Bolin, 12 Witry Court: Stated that he was opposed to the rezoning of the property and felt that the density was too high for such a low density area.

Kyla Aycock, 3 Witry Court: Stated that her home would back-up to the proposed development and she was worried about the safety of her children, as well as the other children in the neighborhood. Ms. Aycock stated that when they purchased their home ten (10) months prior, the realtor told them that the adjacent property was zoned O-2.

Kirk Grynwald, 2 Witry Court: Stated that he was concerned about the disruption in the night time rest and recuperation period that his neighbors would experience should the proposed development be built. Mr. Grynwald stated that his neighbors had agreed that they would much rather support commercial development on the site than the proposed high-density development.

Madre Hill, 7 Witry Court: Stated that he was against the proposed development and he believed that there was an agreement between Deltic and the Witry Court Neighborhood that made the matter a civil matter.

City Attorney Carpenter stated that he had researched to determine if the contract was still active. City Attorney Carpenter stated that the contract expressly sought for consideration, the approval, or non-objection, of the Witry Court Neighborhood for a specific zoning request and it was not open-ended for any future zoning request. City Attorney Carpenter stated that the obligations of Deltic were performed; however, it was only limited to an ordinance that was no longer valid.

Director Wyrick stated that several of the O-2 uses that had been referred to early had been pulled from the ordinance. Mr. Bozynski stated that the removal of those uses had been from C-1 and C-2 property which was located on the south side of Champagnolle Drive and had nothing to do with the proposed development. Director Wyrick asked for a report of the traffic study that indicated there would be approximately 478 trips per day at this location.

Ernie Peters: Stated that the estimation of 478 trips per day was less than one-half of any of the alternate uses that were researched. Mr. Peters stated that the estimate included all vehicle type of trips such as: residents; employees; visitors; etc.

Director Hines made the motion, seconded by Director Richardson, for the Board to take a ten (10)-minute recess. By unanimous voice vote of the Board Members present, **the Board took a ten (10)-minute recess.**

Mayor Stodola closed the public hearing.

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

CITIZEN COMMUNICATION

Rev. Benny Johnson, 6414 Baseline Road: Unfairness.
Tony Davila, 10275 Lawson Road: Youth Advisory Board.
Patrick Nahlen, 3311 Anna Street: Renovation Plans w/ Timetable.
Clark Gray: Temporary Jobs for Homeless.

Director Kumpuris made the motion, seconded by Director Hines, for the Board to go into Executive Session for the purpose of conducting a follow-up evaluation of the City Attorney. By unanimous voice vote of the Board Members present, **the Board went into Executive Session for the purpose of conducting a follow-up evaluation of the City Attorney.**

Mayor Stodola stated that earlier in the year, the Board had asked City Attorney Carpenter to address several issues in which they had questions. Mayor Stodola stated that City Attorney Carpenter had provided them with the updated information.

Director Richardson made the motion, seconded by Director Fortson, to give City Attorney Carpenter a 1.5% raise retroactive to January 1, 2017. By unanimous voice vote of the Board Members present, **the motion was approved.**

Director Richardson made the motion, seconded by Director Peck, to increase the monthly car allowance for City Attorney Carpenter from \$400.00 to \$600.00. By unanimous voice vote of the Board Members present, **the motion was approved.**

Director Richardson 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:

Susan Langley, City Clerk

Mark Stodola, Mayor