

**Little Rock Board of Directors Meeting
February 3, 2015
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; Webb; Cazort; Wright; Wyrick; Kumpuris; Fortson; Adcock; Vice-Mayor Hines; and Mayor Stodola. Vice-Mayor Lance Hines delivered the invocation, which was followed by the Pledge of Allegiance.

Mayor Stodola recognized Boy Scout Troop #262 from Henderson United Methodist Church that was present in the audience working on their Citizen in the Community & Communications Badges.

PRESENTATIONS

City of Little Rock Employee Retirement Recognition
Captain Paul Gunther, Little Rock Fire Department
Little Rock Police Department Hispanic Citizen's Police Academy

DEFERRALS

9. ORDINANCE; Z-6532-G: To approve a Planned Zoning Development and establish a Planned Residential District titled Lot 2 Chenal Heights Long-Form PD-R, located east of Chenal Parkway and south of Chenal Heights Drive, 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; and 1 absent. Staff recommends approval. (Deferred from December 2, 2014) (Deferred from January 20, 2015) (Deferred at the applicant's request until April 7, 2015)*

Synopsis: The applicant is requesting to amend the previously-approved PD-R, Planned Development – Residential, for Arkansas Teachers Retirement Community and approve a site plan to allow for the development of 229 units of age restricted housing. (Located in Ward 5)

10. ORDINANCE; Z-8989: To reclassify property located in the City of Little Rock's zoning jurisdiction, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 8 ayes; 0 nays; and 3 absent. Staff recommends approval. (Deferred from January 20, 2015) (Deferred at staff's request until March 3, 2015)*

Synopsis: The owner of the 0.78-acre property located at 17911 Colonel Glenn Road is requesting that the zoning be reclassified from R-2, Single-Family District, to R-7A, Manufactured Home District. Located outside the City Limits, but within the City's zoning jurisdiction.

Director Cazort made the motion, seconded by Director Richardson, to defer Items 9 & 10 until March 3, 2015. By unanimous voice vote of the Board Members present, **Items 9 & 10 were deferred until March 3, 2015.**

CONSENT AGENDA (Items 1 – 8)

1. RESOLUTION NO. 14,053: To authorize the City Manager to enter into an annual purchasing contract with Mid-South Sales, Inc., for the purchase of automobile oils and lubricants for use in all City of Little Rock Fleet Units, with an option to renew annual for two (2) additional years; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with Mid-South Sales, Inc., for the purchase of automobile oils and lubricants for use in all City of Little Rock fleet units. This annual purchase order is for one (1)-year, with an option to renew annually for two (2) additional years.

2. RESOLUTION NO. 14,054: To authorize the City Manager to enter into an annual purchasing contract with Budget Transmission, Inc., for the purchase of light-duty automatic transmission repair for City of Little Rock Fleet Units for one (1)-year, with an option to renew annually for two (2) additional years; and for other purposes. *Staff recommends approval.*

Synopsis: Approval of a resolution authorizing the City Manager to enter into a contract with Budget Transmission, Inc., for the purchase of light-duty automatic transmission repair for City of Little Rock fleet units. This annual purchase order is for one (1)-year, with an option to renew annually for two (2) additional years.

3. RESOLUTION NO. 14,055: To authorize the Mayor and City Clerk to execute a Ground Lease Agreement with Utility Hill, LLC, of \$5,000.00 per month, for the relocation of City Employee parking spaces due to the construction associated with the replacement of the Broadway Bridge; and for other purposes. *Staff recommends approval.*

Synopsis: The City Manager's Office seeks approval to authorize the Mayor and City Clerk to execute a ground lease agreement with Utility Hill, LLC, to provide parking spaces on approximately 67,572 square-feet of land located at Gaines Street and Garland Avenue until February 1, 2017.

4. RESOLUTION NO. 14,056: To authorize the City Manager to enter into a contract with Advocacy and Communication Solutions, LLC, for an amount not to exceed \$125,000.00, to facilitate the planning process and create a Comprehensive Youth Master Plan; and for other purposes. *Staff recommends approval.*

Synopsis: A resolution to enter into a contract with Advocacy & Communication Solutions, LLC, for an amount not to exceed \$125,000.00, to facilitate the planning process and the creation of a comprehensive, sustainable, long-term Youth Master Plan. The term of the contract shall be from February 9, 2015, to December 31, 2015.

5. RESOLUTION NO. 14,057: To allocated funds to equip apparatus for the Little Rock Fire Department; and for other purposes. *Staff recommends approval.*

Synopsis: The Little Rock Fire Department is requesting approval to authorize the purchase of fire equipment from Sunbelt Fire to fully equip five (5) Engines and one (1) Truck previously purchased from Sunbelt Fire through short-term financing.

6. RESOLUTION NO. 14,058: To authorize the City Manager to enter into a contract with Austin Construction Company, in the amount of \$190,831.00, plus 20% contingencies, for the installation of an ADA Elevator to replace the current wheelchair lift between City Hall and the West Wing Annex; and for other purposes. *Staff recommends approval.*

Synopsis: Authorizes the City Manager to enter into a contract with Austin Construction Company, for the installation of an ADA Elevator to replace the current wheelchair lift between City Hall and the West Wing Annex.

7. RESOLUTION NO. 14,060: To authorize the City Manager to enter into an agreement with DePaul USA, Inc., to operate the Jericho Way Homeless Day Resource Center in an amount not to exceed \$270,000.00; and for other purposes. *Staff recommends approval.*

Synopsis: The resolution authorizes the City Manager to enter into a contract with DePaul USA, Inc., to manage the Jericho Way Day Resource Center which provides services to those who are homeless or may become homeless and authorizes annual expenditures not to exceed \$270,000 in 2015. This is a ten (10)-month contract.

8. RESOLUTION NO. 14,059: To make Board of Directors and Mayoral Liaison/Member appointment to represent the City of Little Rock Boards and Commissions; and for other purposes. *Staff recommends approval.*

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

CITIZEN COMMUNICATION

Mayor Stodola stated that he had received several cards regarding Complete Streets and that Citizen Communication was for items that were not included on the Agenda. Mayor Stodola stated that Complete Streets was an item that had been deferred from the previous meeting agenda for ninety (90) days; therefore, public comment regarding Complete Streets would not be taken during Citizen Communication.

Pat Gee, 8409 Dowan Drive: Clarification

Alex Handfirge, 109 Booker Street: Police Violence/Racial Justice

Kelly Duda, 900 East 6th Street: House Bill 1113

Jill Judy, 400 West 18th Street: Broadway Traffic

Christy Miners, 1403 Center Street: Daisy Bates Resurfacing & Road Diet in My Neighborhood

SEPARATE ITEMS (Item 11)

11. ORDINANCE NO. 20,992; Z-8490-C: To approve a Planned Zoning Development and establish a Planned Commercial District titled 4314 Asher Avenue Revised Short-Form PD-C, located at 4314 Asher Avenue, 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; and 1 absent. Staff recommends approval.*

Synopsis: The applicant is proposing a revision to the previously-approved PD-C, Planned Development – Commercial, to extend the hours of operation for this existing private club. (Located in Ward 1)

The ordinance were read a first time. Director Adcock made the motion, seconded by Director Cazort, 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 Cazort, 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 Wright asked about the capacity of the facility. Planning & Development Director Tony Bozynski stated that according to the Little Rock Fire Department, the capacity was 299. Director Adcock stated that there were only thirty-seven (37) parking spaces and she did not see how 299 individuals would park in only thirty-seven (37) spaces. Mr. Bozynski stated that parking was determined by the square-footage of the building, and not by the number of individuals that could potentially visit the site. Director Adcock stated that she understood that the funeral home located across the street had agreed to let the applicant utilize parking spaces on their property. Director Adcock asked how many parking spaces were available at the funeral home. Mr. Bozynski stated that he didn't have an exact amount; however, he knew that there were at least fifteen (15) to twenty (20) spaces available. Mr. Bozynski stated that the use had previously been approved and that the issue before the Board was the change in the hours of operation.

Tracy Johnson, 1507 Dorado Beach Drive: Stated that he was the applicant and that he was requesting a change of the previously-approved PCD, Planned Commercial District, with a change in the hours of operation. Mr. Johnson stated that currently he was approved to be operate from 4:30 PM to 2:30 AM, and that his request was to be able to operate from 4:00 PM to 5:00 AM. Mr. Johnson stated that he employed twelve (12) to thirteen (13) security personnel inside the facility each night to ensure the safety of all individuals present. Mr. Johnson stated that he had a purchased a 5:00 AM Club License in order for him to be allowed to stay open later.

Cody Burns, 8819 Arch Street: Stated that he was in support of the application and that Mr. Johnson had completed renovations at the club, which enhanced that area of Asher Avenue. Mr. Burns asked that the Board approve the application.

Derrick Gunn, 4323 West 29th Street: Stated that he represented Gunn Funeral Home and that there was approximately forty (40) parking spaces on his property, which was adequate parking for not only the club, but any vehicles that he might need to park on the lot.

Joel Ratliff, Sr: Stated that he was in support of the application and urged the Board to approve the change in hours of operation.

Michael Booker: Stated that he represented Ms. Littleton, the owner of CNC, a club located nearby, and they were in opposition to the change in hours.

Choca Flood, 1316 West 13th Street: Stated that he was the resident D.J. of the applicant's nightclub and that he was in support of the change in hours.

Marilyn Williams, 3612 Tatum Street: Stated that she was against the change in hours, and Asher Avenue did not need any additional traffic late night.

Director Richardson 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 Adcock voting in opposition, **the question to vote was called.**

By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Webb; Cazort; Wyrick; Kumpuris; Fortson; and Vice-Mayor Hines. Nays: Wright and Adcock. By a vote of eight (8) ayes and two (2) nays, **the ordinance was approved.**

PUBLIC HEARINGS (Items 12 - 13)

12. ORDINANCE NO. 20,991; G-24-046: To abandon a utility easement located in Lot 1, Greyrock Subdivision, ad addition to the City of Little Rock, Arkansas, located at 12700 Chenal Parkway; and other purposes. *Staff recommends approval.*
Synopsis: Target Corporation is requesting the abandonment of certain utility easements at the existing Target Store site located at 12700 Chenal Parkway. (Located in Ward 5)

The ordinance was read a first time. Director Adcock made the motion, seconded by Director Cazort, 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 Cazort, 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 Cazort asked if the utility easements were unused at the moment.

Eugene Coleman, 6625 Lenon Park Drive: Stated that he had contacted the utility companies and was told that there were no utilities in the easement. Mr. Coleman stated that all the utility companies that he spoke with were supportive of the abandonment.

Mayor Stodola opened the public hearing. 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.**

13. RESOLUTION NO. 14,061; Z-8570-B: To rescind the Little Rock Planning Commission's action in denying a Tower Use Permit to allow the existing wireless communication facility tower, located at 20001 Kanis Road, in the City of Little Rock, Arkansas, to be increased in height from 150 feet to 170 feet; and other purposes. *Planning Commission: 4 ayes; 4 nays; and 3 absent. Staff recommends approval.*
Synopsis: Verizon Wireless, represented by Attorney Randal Frazier, is appealing the Planning Commission's action in denying a Tower Use Permit to allow the existing Wireless Communication Facility tower located at 20001 Kanis Road to be increased in height from 150 feet to 170 feet. Located outside the City Limits, but within the City's zoning jurisdiction.

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

Randy Frazier: Stated that he represented the applicant, Verizon Wireless, who was asking for a twenty (20)-foot extension on an existing cellular tower. Mr. Frazier stated that the City had always asked for co-locations instead of additional towers and on this particular case, the tower was built in a rural area at the top of a ridge line, and AT&T was on the tower at 150 feet at its height. Mr. Frazier stated that even with new technology, wireless technology was still line-of-sight and if Verizon had to be located below AT&T at 135 feet, the coverage area would not be as great as if it were located

above at 175 feet. Mr. Frazier stated that there were Federal issues involved and that under its license, Verizon was required to obtain optimal coverage in its area.

City Attorney Tom Carpenter stated that the Federal Communications Commission (FCC) was putting in effect a new rule that would become effective on April 8, 2015, that stated a substantial change would have to be made in order to deny a co-location. City Attorney Carpenter stated that a substantial change was defined as ten (10) feet from the last provider, or twenty (20) feet, whichever was greater, and based on a twenty (20)-foot increase, it could not be denied. City Attorney Carpenter stated that the Board could deny the application, and could fight and probably win; however, it was not a zoning request, it was a wire tower request. City Attorney Carpenter stated that if the application was made on April 9, 2015, the City would only have sixty (60) days to grant the request, or it was automatically granted. City Attorney Carpenter stated that if the Board denied the application, than an additional application could be made for a 150-foot tower, which would be granted automatically. Director Adcock asked who owned the tower and the property. Mr. Frazier stated that the tower was owned by Central Arkansas Land Development, who built the tower and leased the space to AT&T.

Ruth Bell: Stated that she represented the League of Women Voters, and that they were in support of the application due to the fact that it was a co-location and not another tower.

Vice-Mayor Hines made the motion, seconded by Director Richardson, for the Board to take a fifteen (15)-minute recess. By unanimous voice vote of the Board Members present, **the Board took a fifteen (15)-minute recess.**

Brad Walker: Stated that he represented the applicant and reminded the Board that in 1998, the City and the Planning Commission met with the cell phone tower developers and cellular providers and came up with a reasonable solution for the development of that infrastructure in the City. Mr. Walker stated that the solution didn't allow for public comment or neighborhood notification for cell phone tower placement. Mr. Walker stated that it was a process by-right and that after a ninety (90)-day moratorium, which was extended by forty-five (45) days, the Board unanimously accepted Article 12 in the Code of Ordinances, which established Wireless Communications Facilities. Mr. Walker stated that the wireless providers had designed their system to tolerate a 150-foot tower, and had made it work. Mr. Walker stated that in 2010, two (2) years after his client purchased his home, a private developer, knowing that AT&T wanted to be located in the area, came to the City, made application and met all the requirements, without having to notify the property owners. Mr. Walker stated that the ordinance was more generous than it needed to be and was the most lenient ordinance in the State of Arkansas. Mr. Walker stated that the tower was not solving the problem of coverage in West Little Rock and was one of many towers that would be built in the area. Mr. Walker stated that the standard 150-foot tower had worked well until this time and asked that the Board not bend their ordinance to accommodate the request for an additional twenty (20) feet.

Keith Harper, 20 Sellette Court: Stated that he purchased his property in 2006, and in the latter part of 2010, he noticed construction occurring in the vicinity of his property. Mr. Harper stated that he was informed that a cell tower was being built. Mr. Harper

stated that he did not agree with the request and asked that the Board deny the application.

Tim Daters, 300 East 3rd Street: Stated that he thought that the City's ordinance deserved to have a second look as it was far too lenient.

Director Cazort stated that he knew the Board could deny the application; however, he thought that a taller tower was better than an additional tower.

Director Hendrix made the motion, seconded by Director Wright, to call the question on the vote. By unanimous voice vote of the Board Members present, **the question to vote was called.**

Mayor Stodola closed the public hearing.

By roll call vote, the vote was as follows: Ayes: Hendrix; Richardson; Cazort; Wright; and Fortson. Nays: Webb; Wyrick; Kumpuris; Adcock; and Vice-Mayor Hines. Mayor Stodola declined to vote. By a vote of five (5) ayes and five (5) nays, **the ordinance failed.**

City Attorney Carpenter stated that under Federal Law, a letter would have to be sent, along with the minutes of the meeting, that would explain the reasons why the Board denied the application. City Attorney Carpenter stated that those members that voted against the application would need to state their reason for their Nay vote.

Director Wyrick: Stated that her reason for not supporting the application was that the City had set the standard at 150 feet and there remained space at 130 feet that would allow the applicant to co-locate.

Director Kumpuris: Stated that his reason for not supporting the application was that the City was being asked to violate their own standards.

Vice-Mayor Hines: Stated that the applicant could still co-locate on the tower at 130 feet; however, they chose not to, and for that reason, he did not support the application.

Director Adcock: Stated that the right to have the tower was not taken away, and she thought that the City needed to stick with what the standards in the existing ordinance.

Director Webb: Stated that because the applicant could co-locate at 130 feet, she saw no reason to approve the application for twenty (20) additional feet.

Mayor Stodola: Stated that the reason he chose not to vote to break the tie was that it had been clearly established that the applicant could co-locate at 130 feet; however, they had chosen not to, the issue of coverage still did not provide the optimal coverage that the applicant would like to have and there were other tower sites in the vicinity, none of which were demonstrated not to be co-located on.

Director Wright stated that she thought she had voted against the additional twenty (20) feet and stated that she wanted to change her vote to Nay. City Attorney Carpenter stated that Director Wright could change her vote with unanimous consent of the Board. Mayor Stodola asked if anyone objected to Director Wright changing her vote from Aye to Nay. Director Hendrix stated that she had an objection; therefore, Director Wright's vote remained recorded as Aye.

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February 3, 2015
6:00 PM

Vice-Mayor Hines made the motion, seconded by Director Cazort, 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