

**Little Rock Board of Directors Meeting
August 4, 2020
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: Hendrix (enrolled at 6:09 PM via WebEx Teleconferencing); Richardson (via WebEx Teleconferencing); Webb (via WebEx Teleconferencing); Peck; Hines; Wright; Kumpuris; Fortson (via WebEx Teleconferencing); Adcock; Vice-Mayor Wyrick (via WebEx Teleconferencing); and Mayor Scott. Director Lance Hines delivered the invocation followed by the Pledge of Allegiance.

CONSENT AGENDA (Items 1 – 6)

1. MOTION: To approve the minutes of the June 9, 2020, and June 16, 2020, Little Rock City Board of Directors Meetings; and the June 3, 2020, Little Rock City Board of Directors Special Called Meeting.

2. RESOLUTION NO. 15,267: To authorize the City Manager to enter into a contract with Burkhalter Technologies, Inc., in an amount not to exceed \$741,598.56, for the Valentine Street Reconstruction Project, from 8th Street to 12th Street; and for other purposes. *(Funding from the 3/8-Cent Capital Improvement Sales Tax and the Limited Tax General Obligation Capital Improvement Bonds) Staff recommends approval.*
Synopsis: A resolution to authorize the City Manager to execute an agreement with Burkhalter Technologies, Inc., for the Valentine Street Reconstruction Project, No. 01-17-ST-57, Bid No. 921. (Located in Ward 1)

3. RESOLUTION NO. 15,268: To authorize the City Manager to enter into an annual agreement with Jedidiah Sawyer Tree Service as primary contractor, and The Tree Marshall as secondary contractor, for the purpose of providing Tree Removal and Tree Trimming Services on an as needed bases for various City Departments; and for other purposes. *Staff recommends approval.*
Synopsis: A resolution to authorize the City Manager to execute an agreement with Jedidiah Sawyer's Tree Service, as primary contractor, and The Tree Marshall as secondary contractor, to provide the Public Works Department and various other City Departments with contract services for Tree Removal and Tree Trimming.

4. RESOLUTION NO. 15,269: To authorize the Mayor to enter into a contract with Stephen and Patricia Allison for the purchase of approximately five (5) acres of land, for use by the Little Rock Port Authority for Economic Prospect Recruitment; and for other purposes. *Staff recommends approval.*

5. RESOLUTION NO. 15,270: To authorize the Mayor to enter into a contract with the Randy W. Thomas Living Trust for the purchase of approximately fifty-five (54) acres of land, for use by the Little Rock Port Authority for Economic Prospect Recruitment; and for other purposes. *Staff recommends approval.*

6. RESOLUTION NO. 15,271: To appoint Lisa C. Jones as new Commissioner to the Board of Improvement for the Twin Lakes Recreation Improvement District No. 1 of the City of Little Rock, Arkansas; 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.**

CITIZEN COMMUNICATION

Russ Racop: LRPD Patrol & Control.

Katie Zakrzewski: Police Funding, BLM.

Dylan Ashcraft: War Memorial Park.

Max Campbell: Police Budget and Social Services.

GROUPED ITEMS (Items 7 – 8 and Item 10)

Director Adcock stated that she had previously asked for Item 10 to be held separate; however, she had received the information that she had requested and was satisfied with that item being read with the Grouped Items.

7. ORDINANCE NO. 21,893; Z-9501: To approve a Planned Zoning Development and establish a Planned Commercial District titled Pettaway Business District Short-Form PCD, located at 412 East 21st Street, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 11 ayes and 0 nays. Staff recommends approval.*

Synopsis: The applicant is requesting that the property at 412 East 21st Street be rezoned from C-3, General Commercial District, and R-4, Two-Family District, to PCD, Planned Commercial District, to allow a multiple building, mixed use development. (Located in Ward 1)

8. ORDINANCE NO. 21,894: To condemn certain structures in the City of Little Rock, Arkansas, as structural fire and health hazards; to provide for summary abatement procedures; to direct City Staff to take such action as necessary to raze and remove said structures; **to declare an emergency;** and for other purposes. *Staff recommends approval.*

Synopsis: Seven (7) 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.

Herman Jimenez: Stated that he had recently purchased the property located at 8723 Baseline Road and his plan was to rehabilitate the property. Mr. Jimenez stated that he had learned the previous day that the property was on that night's agenda to be condemned and was told he needed to request a deferral of action on the property.

Housing & Neighborhood Programs Code Enforcement Manager Ed Garland stated that the prior day, he had received notification that the one (1) of the properties on Baseline Road had changed ownership. Vice-Mayor Wyrick stated that the previous day she had met with the new owner onsite at the property and although there had been a fire in one of the structures, the building was structurally sound. Vice-Mayor Wyrick stated that the complex had been an issue in the neighborhood for a long time and the neighbors had

complained for many years regarding the state of disrepair of the structure. Vice-Mayor Wyrick stated that she believed the new owner had the resources necessary to restore the buildings to make them livable for individuals, but that she was conflicted due to the fact that the owner planned to 'flip' the property and potential owners might not maintain the property.

Director Adcock asked if the Board was being asked to consider the property that was located at 8711 Baseline Road or 8723 Baseline Road. Mr. Garland stated that the property located at 8723 Baseline Road was the property that Mr. Jimenez had purchased; however, he had indicated that he was interested in purchasing 8711 Baseline Road, as well.

Director Adcock made the motion, seconded by Director Wright, to defer action on the structures at 8711 Baseline Road and 8723 Baseline Road for thirty (30) days. By voice vote of the Board Members present, with Director Richardson, voting in opposition, **the motion was approved.**

10. ORDINANCE NO. 21,895; Z-9003-A: To approve a Planned Zoning Development and establish a Revised Planned Industrial District titled Re-Nu Life Center Revised Short-Form PID, located at 7600 Enmar Drive, Little Rock, Arkansas, amending the Official Zoning Map of the City of Little Rock, Arkansas; and for other purposes. *Planning Commission: 11 ayes and 0 nays. Staff recommends approval.*

Synopsis: The applicant is requesting that the property at 7600 Enmar Drive be rezoned from PID, Planned Industrial District, to Revised PID to add Parolee/Probationer Housing Facility as an allowable use. (Located in Ward 2)

The ordinances were read the first time. Director Adcock made the motion, seconded by Director Hines, 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 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 as amended.** By unanimous voice vote of the Board Members present, **the emergency clause for Item 8 was approved as amended.**

SEPARATE ITEMS (Item 9 and Items 11 - 12)

9. RESOLUTION NO. 15,272: To strongly urge owners and managers of residential rental property to cease current eviction actions, and to delay future eviction actions pending a significant decrease in unemployment due to the COVID-19 Pandemic; and for other purposes. *(Deferred from July 7, 2020) (Deferred from July 21, 2020) Staff recommends approval.*

Ron Strand: Stated that he was opposed to Item 9 as it would provide a hardship for the property owners of smaller rental properties.

Rex Johnson: Stated that it was unfair for tenants sharing the same utility meters to have to pick up the slack should one person quit paying their portion of the bills. Mr.

Johnson stated that if a landlord had to remove an individual, the City needed to help with the cost of evicting them.

Kelly Tucker: Stated that he managed a complex and had worked with individuals that had been affected by the Coronavirus and waived late fees for individuals that had actually been laid off as a result of the pandemic. Mr. Tucker stated people were taking advantage of the current situation and that he presently had seven (7) individuals that had not corresponded with him and were refusing to pay their rent. Mr. Tucker asked that the Board vote against Item 9.

Francis Eleon: Stated that he felt that it was putting the landlords at a disadvantage and asked that the Board vote against the proposed resolution.

Director Fortson stated that he has been advised by City Attorney Tom Carpenter that due to the fact that he had investments in rental property, he would need to recuse from participation and discussion on Item 9.

Vice-Mayor Wyrick stated that she owned several pieces of rental property and asked if she needed to recuse. City Attorney Carpenter stated that if a vote on an item would be to her benefit, she would be encouraged to recuse; however, it was not required because the resolution did not include enforcement measures. Vice-Mayor Wyrick stated that because she owned rental property outright, she would be recusing on the item.

Director Kumpuris stated that the resolution did not state that a landlord could not evict a tenant for non-payment, it simply stated that if passed, the Board would urge Governor Asa Hutchinson to reconsider the possibility of a Statewide moratorium on eviction actions on residential rental property. Director Richardson stated that his reasoning for bringing forth the resolution was for the Board to go on record as saying they were concerned about the living conditions of individuals in certain parts of the City and the impact that the pandemic was having on renters in the community.

Randy Thomason: Stated that although it was only a resolution, he felt it was a step towards something more permanent and asked that the Board not support the proposed resolution.

Charles L. Clifton, Jr.: Stated that he was concerned that if the resolution was passed, it would be sending a mixed message to renters.

James Winkle: Stated that he felt it was a slippery-slope to allow some people to bypass the laws, which could possibly create chaos down the line. Mr. Winkle stated that he was opposed to the resolution.

Reggie Crouse: Stated that he had read the resolution several times and each time, he walked away with a different analysis.

Terri Thompson (via e-mail): Stated that she represented R&D Holding, LLP, and they owned several properties within the City Limits. Ms. Thompson stated that the owners or properties were responsible for maintaining the property and were not receiving assistance during the pandemic and could not feasibly support tenants/lessees. Ms. Thompson asked that the Board vote against Item 9.

Tracy Thompson (via e-mail): Stated that she was against Item 9 due to the fact that when a Lease Agreement was executed, it was understood between the parties that timely rent payments were due to the lessor and it would be a financial burden and hardship on the property owners to support non-payment tenants.

William Ashe (via e-mail): Asked the Board to vote against Item 9.

Don Thompson: Stated that property owners should not have their hands tied when it came to evicting tenants who needed to be removed from the premises for non-payment. Mr. Thompson stated that the landlords did not receive any pandemic relief funds which could be applied to the missing and late rental funds from tenants.

Heather Buffington: Stated that she was against Item 9 due to the fact that the economic conditions were unpredictable at that time and it would impose a hardship on the property owners to support non-paying tenants.

Matthew Ramsey: Stated that he although felt that a moratorium ordinance would be more appropriate to protect the vulnerable tenants, he still supported the proposed resolution and urged the Board to vote with their moral compass in support of the resolution.

Russ Racop: Stated that the item in question was a resolution and had no teeth, but it would send a message to the citizens that the Board had compassion to those affected by the pandemic.

Greg More: Stated that he was in favor of the resolution and that people shouldn't be facing a crises during a medical pandemic.

Director Hines stated that he felt that the resolution would lead to additional confusion and pointed out that Section 1 of the resolution read, *"In the strongest possible terms, the Board of Directors urges that landlords of residential property within the City currently undergoing an eviction action voluntarily dismiss such action until the unemployment percentage within the City falls to levels similar to the 3.5% unemployment figure in February 2020..."* Director Hines stated that 3.5% unemployment was approximately 1.5 - 2.0 points under what most economist considered full employment, which was historically low. Director Wright stated that she understood the vulnerability that some in the community faced; however, the resolution was not clear and she knew that it would make things more confusing.

By roll call vote, the vote was as follows: Ayes: Richardson; Webb; Peck; and Kumpuris. Nays: Hines; Wright; and Adcock. Recusals: Fortson and Vice-Mayor Wyrick. Present: Hendrix. When asked if she would like to change her vote, Director Hendrix stated that she wanted her vote to be recorded as Present. The final roll call vote was as follows: Ayes: Richardson; Webb; Peck; and Kumpuris. Nays: Hines; Wright; and Adcock. Recusals: Fortson and Vice-Mayor Wyrick. Present: Hendrix. By a vote of four (4) ayes; three (3) nays; two (2) recusals and one (1) Present, **the resolution failed.**

11. ORDINANCE: To prevent the storage of inoperable vehicles or other items in any backyard; to declare the storage of such items to be a nuisance; to authorize the City to take necessary and appropriate actions to abate such a nuisance; **to declare an emergency**; and for other purposes.

Director Hendrix stated that she was not satisfied with the way that the ordinance was written, and as the sponsor of the proposed ordinance, she would like to have it withdrawn from the application.

12. ORDINANCE: To prevent the storage of inoperable vehicles, boats or other items in any backyard that does not have an appropriate and compliant privacy fence in place to

block the views of such items; to declare the storage of such items without a privacy fence to be a nuisance; to authorize the City to take necessary and appropriate actions to abate such a nuisance; **to declare an emergency**; and for other purposes.

Director Webb stated that she felt there was additional discussion that needed to occur before such an ordinance was passed and as the sponsor of the proposed ordinance, she would like to have it withdrawn from the agenda.

Mayor Scott adjourned the meeting.

ATTEST:

APPROVED:

Susan Langley, City Clerk

Frank Scott, Jr., Mayor