

**AGENDA
REGULAR MEETING
CITY COUNCIL
CITY OF MAUMELLE
AUGUST 15, 2016
6:00 PM
CITY HALL**

1. CALL TO ORDER

2. INVOCATION AND PLEDGE OF ALLEGIANCE

The City of Maumelle welcomes people of diverse cultures and beliefs. Any religious viewpoint expressed during invocation, or at any other time during the meeting, reflects only the personal opinion of the speaker. It is not intended to proselytize, advance, or disparage any religious belief.

3. SPECIAL GUESTS AND ANNOUNCEMENTS

4. APPROVAL OF MINUTES – August 1st REGULAR MEETING

5. PUBLIC COMMENT

During Public Comment, issues **NOT** on the agenda may be addressed. Public comments concerning items on the agenda will be allowed when that item is discussed by the Council. Anyone wishing to make a comment must fill out the provided form and present it to the City Clerk. In the interest of time comments will be limited to three (3) minutes. **This privilege may be revoked by the Mayor in the case of inappropriate language or comments.** Any public member shall first state his or her name and address, followed by a concise statement of the person's position or concern. **All remarks shall be addressed to the Mayor or the Council as a whole, not to any particular member of the Council.** No person other than the Council members and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor.

6. FINANCIAL STATEMENT REVIEW (second meeting of each month)

7. PROCEDURAL MOTION

8. UNFINISHED BUSINESS

- A. Third Reading Ordinance 909 Team Summit, LLC To Do Business with City **Mayor Watson**
With no objections, Mayor Watson may call for the third reading of the ordinance permitting Team Summit LLC, a company owned by Alderman Timmons, to do business with the City of Maumelle. A MOTION IS IN ORDER.
- B. Second Reading Ordinance 910 Amending Chapter 14, Buildings and Building Regulations **Mayor Watson**
With no objections, Mayor Watson may call for the second reading of the ordinance Amending Chapter 14, Buildings and Building Regulations. NO ACTION IS REQUIRED.

9. NEW BUSINESS

A. Resolution 2016-23 Granting a Conditional Use Permit

Mayor Watson

With no objections, Mayor Watson may call for the reading of the resolution granting a conditional use permit to Christian Life Church to locate a church in a PCD zoning district. A MOTION IS IN ORDER.

10. MAYOR'S COMMENTS

A. Awards Ceremony

B. School First Days

11. PLANNING COMMISISON REPORT

12. ALDERMEN'S COMMENTS

13. CITY ATTORNEY'S COMMENTS

A. Current Litigation

14. CITY CLERK'S COMMENTS

15. FYI

A. Building Permits Report

B. Municipal Election Information—Filing Period July 29—August 19

C. August Planning Commission Liaison—Alderman Anderson

16. ADJOURNMENT

**MINUTES
REGULAR MEETING
CITY COUNCIL
CITY OF MAUMELLE
AUGUST 1ST, 2016
6:00 PM
CITY HALL**

Mayor Watson called the meeting to order at 6:00 p.m. with seven members present. Alderman Lewis was absent. Alderman Vaprezsán gave the invocation and led the Pledge of Allegiance.

SPECIAL GUEST AND ANNOUNCEMENTS

Tad Bohannon, CEO of Central Arkansas Water, introduced commissioners and staff from Central Arkansas Water. Mr. Bohannon gave a detailed account of the work that has been done in Maumelle. Mr. Bohannon also addressed the large water bills, billing and the transition between water sources.

Marc Wilkins, of North Little Rock Waste Water, addressed rates and winter averages.

Mayor Watson stated every time he has called both CAW and NLRWW they have been very responsive and pleasant to work with.

Burch Johnson, of 38 Fairway Woods Circle, stated he came to compliment Central Arkansas Water. He also expressed his concern with North Little Rock Waste Water.

APPROVAL OF MINUTES – JULY 18TH REGULAR MEETING

Alderman Vaprezsán motioned to approve the July 18th minutes. Alderman Anderson seconded the motion and it passed unanimously by all in attendance.

PUBLIC COMMENT

Alicia Gillen, with the Maumelle Chamber of Commerce, informed the Council of the Bash on the Boulevard which will take place on September 10, 2016, between 12-10pm. Ms. Gillen stated admission is free and there will be over 80 vendors. She stated she would love everyone's support in getting the word out.

PROCEDURAL MOTION

Alderman Anderson moved to have all ordinances and resolutions read by title only. Alderman Vaprezsán seconded the motion and it passed unanimously by all in attendance.

ORDINANCE 909 – PERMITTING TEAM SUMMIT, LLC TO DO BUSINESS WITH THE CITY

Alderman Timmons stated she would be abstaining from any voting or discussion on Ordinance 909.

With no objections, Mayor Watson called for the second reading of the ordinance permitting Team Summit LLC, a company owned by Alderman Timmons, to do business with the City of Maumelle. The City Clerk gave the reading.

ORDINANCE 910 – AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS

With no objections, Mayor Watson called for the first reading of the ordinance amending Chapter 14, Buildings and Building Regulations. The City Clerk gave the reading.

Alderman Mosley stated he would abstain from any discussion on this ordinance due to a conflict of interest.

Mayor Watson gave a detailed background of the ordinance.

RESOLUTION 2016-22 AUTHORIZING THE MAYOR TO EXPLORE SELLING PARK ON THE RIVER

With no objections, Mayor Watson called for the reading of the resolution authorizing the Mayor to explore the feasibility of selling Park on the River and present those findings to the Council. The City Clerk gave the reading.

Alderman Holt stated this was not a vote to sell, but to explore the feasibility of selling.

Alderman Anderson stated this is a beautiful park and he can't support selling what people want in the community.

Alderman Holt stated the property is not being used as originally intended.

Alderman Vaprepsan stated this is our only public water access and we don't want to lose it.

Alderman Saunders stated he was not in favor of losing Park on the River.

Alderman Timmons stated she would be abstaining from the discussion.

Alderman Mosley stated he had no problem taking a look at this and he didn't know how he was going to vote. He stated that keeping a public ramp is a priority. He asked what would be involved in the feasibility study.

Mayor Watson discussed some bond figures and what was still owed on the property.

Alderman Kelley stated he doesn't support selling it because there is no monetary advantage.

Alderman Vaprepsan asked how much money the City has put into the POR. Mayor Watson stated the City has put on a new roof, fence, upper parking lot, and air conditioner; but that much of that work was funded through revenue from operating the facility.

Alderman Vaprepsan asked how many people are turned away because the venue is too small.

Pat Walker, of 27 Hudson Bay Drive, stated she has several people that are turned away because the venue is too small.

Alderman Mosley asked how many are accessing the river monthly.

Mayor Watson stated he wouldn't know without putting someone down there. Mayor Watson stated there is someone there every day during good weather but that use is sporadic. He noted there is a lot of fishing at the park as well.

Jan Hogue, of 134 Apple Blossom Loop, stated the City worked hard to get access to the water and that if there is no urgent need for money she would hate see us lose that access.

Alderman Vaprezsán motioned to approve Resolution 2016-22. Alderman Saunders seconded the motion and it failed with only Alderman Holt voting yes.

MAYOR'S COMMENTS

Mayor Watson noted the ridership information from Rock Region Metro.

Mayor Watson stated a fisherman reported an oil sheen on Lake Valencia over the weekend. He stated the source could not be determined but highlighted our great partnership with local industries to help clear the lake up.

PLANNING COMMISSION REPORT

Alderman Timmons stated there was a request for conditional use permit for a church and a variance for an accessory building for Kimberly Clark.

ALDERMAN'S COMMENTS

Alderman Vaprezsán asked when the rings would be finished. Mayor Watson stated the concrete and painting would be finished by the end of the week.

Alderman Vaprezsán asked about the audit. City Clerk Clausen stated we received another extension.

Alderman Vaprezsán asked about the O'Leary lawsuit. City Attorney Norris stated Maumelle Water Management is cross-suing over Ordinance 271.

Mayor Watson noted he received an email from Mr. Fred Savage regarding the 4th of July fireworks and that he was still receiving some emails.

ADJOURNMENT

Alderman Vaprezsán motioned to adjourn the meeting. Alderman Saunders seconded the motion and it passed unanimously by all in attendance.

Mayor Watson adjourned the meeting at 7:47 pm.

MAYOR MICHAEL WATSON

CITY CLERK JOSHUA CLAUSEN

APPROVED

August 15, 2016

**City of Maumelle
Financial Statement Summary
FOR THE MONTH ENDED JULY 31, 2016**

GENERAL FUND

Nonspendable	51,308
Committed	-
Assigned	346,357
Unassigned	<u>5,305,414</u>
Total Fund Balance	<u><u>5,703,079</u></u>

STREET FUND

Restricted	4,113,108
Assigned	-
Total Fund Balance	<u><u>4,113,108</u></u>

SANITATION FUND

Retained Earnings	<u><u>1,753,921</u></u>
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CITY OF MAUMELLE
GENERAL FUND STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
FOR THE MONTH ENDED JULY 31, 2016

	2016 BUDGET	2016 BUDGET REV	7 MONTH BUDGET	ACTUAL AT 7/31/2016	OVER/ (UNDER)	ACTUAL AT 7/31/2015	OVER/ (UNDER)
Revenues:							
State Turnback	257,445	257,445	150,176	178,666	28,490	180,877	(2,210)
County Millage Tax	1,880,000	1,880,000	1,096,667	1,153,627	56,960	1,089,758	63,869
County Sales Tax	3,700,000	3,700,000	2,158,333	2,130,515	(27,819)	2,131,326	(811)
City Sales Tax	2,300,000	2,300,000	1,341,667	1,483,966	142,299	1,277,642	206,324
Franchise Fee	1,600,000	1,600,000	933,333	920,590	(12,743)	903,611	16,979
Community Service Fees	725,000	725,000	422,917	398,618	(24,298)	387,189	11,429
Late & Collection Fees	22,000	22,000	12,833	15,452	2,619	10,906	4,546
Building Permits and Fees	180,000	180,000	105,000	81,170	(23,830)	106,247	(25,077)
Business License Permits	19,000	19,000	11,083	18,516	7,432	18,479	37
Parks and Recreation Fees	450,000	450,000	262,500	239,066	(23,434)	271,583	(32,517)
Senior Wellness Center Fees	42,000	42,000	24,500	22,141	(2,359)	22,642	(501)
Animal Control Fees	12,000	12,000	7,000	9,240	2,240	8,655	585
Municipal Court	225,000	225,000	131,250	81,482	(49,768)	121,792	(40,310)
Police Dept	-	-	-	46,102	46,102	2,895	43,207
Fire Dept	12,000	12,000	7,000	7,408	408	-	7,408
Dispatch Services	26,000	26,000	15,167	19,500	4,333	19,500	-
Federal Grants	-	-	-	80,875	80,875	4,200	76,675
State Grants	-	-	-	9,075	9,075	55,433	(46,358)
Private Grants	-	-	-	11,971	11,971	1,300	10,671
Private Donations	-	-	-	27,120	27,120	200	26,920
Investment Income	12,000	12,000	7,000	2,639	(4,361)	2,135	504
Other Financing Sources	-	-	-	-	-	60,366	(60,366)
Miscellaneous Income	12,000	12,000	7,000	4,086	(2,914)	14,611	(10,525)
Total Revenues	11,474,445	11,474,445	6,693,426	6,941,825	248,397	6,691,347	250,479
Expenditures:							
Administration	945,409	945,409	551,489	505,862	(45,626)	524,671	(18,809)
City Council	60,822	65,822	38,396	38,820	424	32,838	5,982
City Attorney	110,638	110,928	64,708	60,820	(3,888)	66,622	(5,802)
Court	188,281	188,281	109,831	102,005	(7,826)	104,249	(2,244)
Police	2,892,978	2,910,744	1,697,934	1,694,313	(3,621)	1,570,790	123,523
Fire	2,478,991	2,543,143	1,483,500	1,386,591	(96,909)	1,274,267	112,324
Animal Control	355,878	367,711	214,498	185,496	(29,002)	162,050	23,446
Public Works	702,874	701,898	409,441	396,943	(12,498)	357,540	39,403
Parks	1,577,200	1,582,929	923,375	799,936	(123,439)	793,815	6,121
Senior Services	338,918	348,578	203,337	179,467	(23,870)	186,195	(6,728)
CED	203,941	208,952	121,889	106,553	(15,335)	107,469	(916)
Planning & Zoning	143,506	143,786	83,875	75,754	(8,121)	74,503	1,251
Code Enforcement	289,892	289,892	169,104	160,875	(8,228)	160,581	294
City Services	1,198,242	1,323,992	772,329	641,982	(130,346)	588,256	53,726
Total Operating	11,487,570	11,732,065	6,843,705	6,335,419	(508,286)	6,003,846	331,572
Capital Expenditures	519,600	588,582	343,339	348,118	4,778	243,207	104,911
Total Expenditures	12,007,170	12,320,647	7,187,044	6,683,536	(503,509)	6,247,053	436,483
Excess (Deficiency) of Revenues over Expenditures	(532,725)	(846,202)	(493,618)	258,289	751,905	444,293	(186,004)
Fund Balance, Beginning of Year	5,408,464	5,408,464	3,154,937	5,444,789			
Fund Balance, End of Year	4,875,739	4,562,262	2,661,319	5,703,079			

**CITY OF MAUMELLE
GENERAL FUND - BALANCE SHEET
FOR THE MONTH ENDED JULY 31, 2016**

ASSETS

Current Assets

Cash	5,954,825
Taxes Receivable	755,453
Accounts Receivable, net	162,290
Due From Other Funds	31,744
Inventory - Court Drug Tests	226
Prepaid Expenses	19,338
Total Current Assets	6,923,876
 TOTAL ASSETS	 6,923,876

LIABILITIES AND FUND BALANCE

Liabilities:

Payroll Liabilities	129,282
Accounts Payable	51,828
Other Liabilities	1,039,687
Total Liabilities	1,220,797

Fund Balance:

Nonspendable	
-Inventory	226
-Due from other funds	31,744
-Prepaid	19,338
Restricted	-
Committed	-
Assigned to purchase orders	346,357
Unassigned	5,305,414
Total Fund Balance	5,703,079
 TOTAL LIABILITIES AND FUND BALANCE	 6,923,876

CITY OF MAUMELLE
STREET FUND STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN FUND BALANCE
FOR THE MONTH ENDED JULY 31, 2016

	2016 BUDGET	2016 BUDGET REV	7 MONTH BUDGET	ACTUAL AT 7/31/2016	OVER/ (UNDER)	ACTUAL AT 7/31/2015	OVER/ (UNDER)
Revenues:							
State Turnback	816,959	816,959	476,559	461,538	(15,021)	473,831	(12,293)
Street Aid Program	330,000	330,000	192,500	199,561	7,061	191,120	8,441
County Millage Tax	560,000	560,000	326,667	333,042	6,375	367,608	(34,566)
Street Sign Revenue	2,000	2,000	1,167	2,023	856	10,139	(8,116)
Investment Income	19,000	19,000	11,083	9,463	(1,621)	7,330	2,133
Appropriation from Fund Balance	-	-	-	-	-	-	-
Miscellaneous Income	-	-	-	682	682	-	682
Total Revenues	1,727,959	1,727,959	1,007,976	1,006,308	(1,668)	1,050,028	(44,402)
Expenditures:							
Personnel	666,677	666,677	388,895	309,547	(79,348)	347,567	(38,020)
Other Operating	417,931	417,931	243,793	104,222	(139,572)	150,759	(46,537)
Total Operating	1,084,608	1,084,608	632,688	413,769	(218,919)	498,326	(84,557)
Capital Expenditures	660,500	1,333,982	778,156	105,574	(672,582)	317,675	(212,101)
Total Expenditures	1,745,108	2,418,590	1,410,844	519,343	(891,501)	816,001	(296,658)
Excess (Deficiency) of Revenues over Expenditures	(17,149)	(690,631)	(402,868)	486,965	889,833	234,027	252,256
Fund Balance, Beginning of Year	3,669,119	3,669,119	2,140,319	3,626,143			
Fund Balance, End of Year	3,651,970	2,978,488	1,737,451	4,113,108			

**CITY OF MAUMELLE
STREET FUND - BALANCE SHEET
FOR THE MONTH ENDED JULY 31, 2016**

ASSETS

Current Assets:

Cash	4,159,351
Taxes Receivable	112,236
Accounts Receivable, net	3,249
Total Current Assets	4,274,837
 TOTAL ASSETS	 4,274,837

LIABILITIES AND FUND BALANCE

Liabilities:

Payroll Liabilities	44,949
Accounts Payable	4,544
Deferred Revenue	112,236
Total Liabilities	161,729

Fund Balance:

Nonspendable	-
Restricted	4,113,108
Committed	-
Assigned to:	
-Capital projects	-
-Eliminate a projected budgetary deficit	-
Unassigned	-
Total Fund Balance	4,113,108
 TOTAL LIABILITIES AND FUND BALANCE	 4,274,837

CITY OF MAUMELLE
SANITATION FUND STATEMENT OF REVENUES, EXPENDITURES, AND CHANGES IN EQUITY
FOR THE MONTH ENDED JULY 31, 2016

	2016 BUDGET	2016 BUDGET REV	7 MONTH BUDGET	ACTUAL AT 7/31/2016	OVER/ (UNDER)	ACTUAL AT 7/31/2015	OVER/ (UNDER)
Revenues:							
Sanitation Fees	1,175,000	1,175,000	685,417	616,411	(69,006)	587,005	29,406
Late and Collection Fees	30,000	30,000	17,500	19,882	2,382	13,388	6,494
Cart Rental	18,000	18,000	10,500	10,857	357	9,512	1,345
Sales Tax	-	-	-	493	493	-	493
Transfer Station	30,000	30,000	17,500	19,318	1,818	18,802	516
Operating Transfer In	-	-	-	-	-	29,689	(29,689)
Miscellaneous Income	-	-	-	-	-	3,761	(3,761)
Total Revenues	1,253,000	1,253,000	730,917	666,961	(63,956)	662,157	4,804
Expenditures:							
Personnel	607,508	607,508	354,380	304,262	(50,118)	316,965	(12,703)
Other Operating	979,000	1,232,166	718,763	393,932	(324,831)	207,936	185,996
Total Expenditures	1,586,508	1,839,674	1,073,143	698,194	(374,949)	524,901	173,293
Excess (Deficiency) of Revenues over Expenditures	(333,508)	(586,674)	(342,226)	(31,234)	310,993	137,256	(168,490)
Equity, Beginning of Year	1,785,157	1,785,157	1,041,342	1,785,157			
Equity, End of Year	1,451,649	1,198,483	699,115	1,753,921			

**CITY OF MAUMELLE
SANITATION - BALANCE SHEET
FOR THE MONTH ENDED JULY 31, 2016**

ASSETS

Current assets:	
Cash	1,039,790
Accounts Receivable, net	158,793
Total Current Assets	1,198,583
Noncurrent assets:	
Capital Assets	1,874,528
Less Accumulated Depreciation	(1,290,889)
Total Noncurrent Assets	583,639
TOTAL ASSETS	1,782,222

LIABILITIES AND EQUITY

Current Liabilities:	
Payroll Liabilities	3,776
Accounts Payable	5,787
Sales Taxes Payable	2,268
Reserve for Compensated Absences	16,468
Total Current Liabilities	28,298
Noncurrent Liabilities:	
Note Payable - First Security Bank	-
Total Liabilities	28,298
Equity:	
Retained earnings	1,753,921
TOTAL LIABILITIES AND EQUITY	1,782,222

Note 1: Minimum fund balance policy for the general fund

Ordinance 438 states that the general fund shall maintain a level of fund balance equal to 20% of budgeted operating expenditures. Currently, this figure is \$ 2,346,413

Note 2: Fund balance classifications

Effective with the January 31, 2011 financial statements, there are new fund balance classifications for the General and Street funds. The new classifications and their definitions are as follows:

- Nonspendable - fund balance that can't be spent, such as inventory and prepaid items
- Restricted - use of these funds is restricted by external sources, such as law or grant requirements
- Committed - use of these funds is restricted by formal action of the city council
- Assigned - use of these funds is restricted by informal action of the city council
- Unassigned - fund balance that has not been restricted, committed, or assigned

GENERAL FUND BUDGET RESOLUTIONS PASSED IN 2016

2016-04	Upgrade Audio Visual Equipment in Council with GIF grant	5,000
2016-05	Replace 2013 Dodge Charger for police department	15,137
2016-12	Police 2015 GIF grant remaning funds	2,288
2016-16	Escrow for Counts Massie Extension	125,750
		<u>148,175</u>

STREET FUND BUDGET RESOLUTIONS PASSED IN 2016

2016-19	Garden Oaks Subdivision alleyway repairs	387,000
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SANITATION FUND BUDGET RESOLUTIONS PASSED IN 2016

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAUMELLE,
COUNTY OF PULASKI, STATE OF ARKANSAS,**

AN ORDINANCE TO BE ENTITLED:

ORDINANCE NO. 909

**AN ORDINANCE PERMITTING ALDERMAN TIMMONS TO CONDUCT BUSINESS
WITH THE CITY OF MAUMELLE, ARKANSAS, AND PRESCRIBING THE EXTENT
OF THIS AUTHORITY**

WHEREAS, in accordance with ARK. CODE ANN. § 14-43-411, G.K. Timmons was appointed by the Maumelle City Council to the position of Alderman of Ward 3, Position 2 on July 18, 2016;

WHEREAS, Timmons' business, Team Summit, LLC, leases the house located within the city park known as The Park on the River for the purpose of offering accommodations for public and private events;

WHEREAS, on November 2, 2015, by Resolution No. 2015-50, the Maumelle City Council authorized the Mayor to renew the Lease Agreement between the City and Team Summit, LLC/Timmons Art Foundation; and

WHEREAS, ARK. CODE ANN. § 14-42-107 prohibits an alderman or council member from being interested, directly or indirectly, in the profits of any contract for the furnishing of supplies, equipment, or services to the municipality unless the governing body of the city shall have enacted an ordinance specifically permitting aldermen or council members to conduct business with the city and prescribing the extent of such authority.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAUMELLE, ARKANSAS, AS FOLLOWS:

SECTION 1. Permitted Activity: Team Summit, LLC, and G.K. Timmons, an Alderman of Ward 3 of the City of Maumelle, Arkansas, shall be permitted to lease from the City of Maumelle the house located within the city park known as The Park on the River pursuant to a valid lease agreement signed by the Mayor and authorized by the City Council.

SECTION 2. Terms and Conditions: Team Summit, LLC, and G.K. Timmons shall be permitted to receive profits from the use of The Park on the River pursuant to a valid lease agreement signed by the Mayor and authorized by the City Council.

SECTION 3. Emergency Clause. There is hereby found and declared that there is an immediate need to be in compliance with ARK. CODE ANN. § 14-42-107, that, therefore, an emergency exists, and that this Ordinance being necessary for the immediate preservation of the public health, safety, and welfare shall be in force and take effect immediately upon and after its passage.

APPROVED, this ___ day of _____, 2016.

By: _____
Michael Watson, Mayor

Attest:

City Clerk Joshua Clausen

Approved As To Legal Form:

Caleb Norris, City Attorney

SPONSORED BY:

Mayor Michael Watson

	Mosley	Saunders	Kelley	Anderson	Lewis	Timmons	Vaprezsan	Holt
Yes								
No								

EMERGENCY CLAUSE:

	Mosley	Saunders	Kelley	Anderson	Lewis	Timmons	Vaprezsan	Holt
Yes								
No								

West's Arkansas Code Annotated
Title 14. Local Government
Subtitle 3. Municipal Government (Chapters 36 to 69)
Chapter 42. Government of Municipalities Generally
Subchapter 1. General Provisions

A.C.A. § 14-42-107

§ 14-42-107. Interest in offices or contracts prohibited

Effective: July 31, 2009

Currentness

(a)(1) No alderman, member of any council, or elected official of a municipal corporation, during the term for which he or she has been elected or one (1) year thereafter, shall be appointed to any municipal office that was created or the emoluments of which have been increased during the time for which he or she has been elected except to fill a vacancy in the office of mayor, alderman, clerk, clerk-treasurer, recorder, or recorder-treasurer.

(2) No alderman or council member shall be appointed to any municipal office, except in cases provided for in this subtitle, during the time for which he or she may have been elected.

(b)(1) No alderman, council member, official, or municipal employee shall be interested, directly or indirectly, in the profits of any contract for furnishing supplies, equipment, or services to the municipality unless the governing body of the city has enacted an ordinance specifically permitting aldermen, council members, officials, or municipal employees to conduct business with the city and prescribing the extent of this authority.

(2) The prohibition prescribed in this subsection shall not apply to contracts for furnishing supplies, equipment, or services to be performed for a municipality by a corporation in which no alderman, council member, official, or municipal employee holds any executive or managerial office or by a corporation in which a controlling interest is held by stockholders who are not aldermen or council members.

Credits

Acts of 1875, Act 1, § 86, p. 1; Acts of 1963, Act 182, § 1; Acts of 1981, Act 485, § 1; Acts of 2003, Act 1299, § 1, eff. July 16, 2003; Acts of 2009, Act 403, § 1, eff. July 31, 2009.

Formerly C. & M. Dig., § 7520; Pope's Dig., § 9580; A.S.A. 1947, § 19-909.

Notes of Decisions (17)

A.C.A. § 14-42-107, AR ST § 14-42-107

The constitution, and statutes are current through the end of the 2016 Second Extraordinary, 2016 Fiscal, and 2016 Third Extraordinary Sessions of the 90th Arkansas General Assembly, and include changes made by the Arkansas Code Revision Commission received through May 1, 2016.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MAUMELLE,
COUNTY OF PULASKI, STATE OF ARKANSAS,

AN ORDINANCE TO BE ENTITLED:

ORDINANCE NO. 910

AN ORDINANCE AMENDING CHAPTER 14, BUILDINGS AND BUILDING
REGULATIONS, ARTICLE IV, FENCES, OF THE MAUMELLE CITY CODE

WHEREAS, Chapter 14, Article IV, of the Maumelle City Code governs fences in the City of Maumelle; and

WHEREAS, the City Council desires to amend Chapter 14, Article IV, of the Maumelle City Code.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MAUMELLE, ARKANSAS, AS FOLLOWS:

SECTION 1. *Amended.* Chapter 14, Buildings and Building Regulations, Article IV, Fences, Division 1, Generally, Section 111, Residential, of the Maumelle City Code is hereby amended as follows:

....

~~(e) If a permit is denied based on the applicant's proposal, the applicant may appeal the decision to the planning commission for a hearing and recommendation to the city council.~~

~~(f) An appeal from the city council's decision may be made by the applicant to a court of record.~~

~~(g)~~(e) Any fence found to have been built contrary to the representations on the approved fence permit or which are otherwise in violation of this article must be removed and may not be replaced except in conformity with this article.

SECTION 2. *Amended.* Chapter 14, Buildings and Building Regulations, Article IV, Fences, Division 1, Generally, Section 112, Fence requirements, of the Maumelle City Code is hereby amended as follows:

....

(4) Fencing on any side of a lot must be of a consistent style. Any fence adjacent to a street ~~must~~ shall be a ~~maximum height no taller than six-foot fence feet~~ and must be constructed of approved materials with finished side facing out unless more restrictive standards of a development, subdivision, or property owners association require that the fence be constructed of a different material. Any fence adjacent to a public area must have the more finished side facing out. The finished side is the side whose framing, supports, or

posts are less visible. A double sided fence that is equally finished on both sides is acceptable.

(5) All fences shall have a minimum of one gate for emergency ingress and egress. The minimum width of such gate shall be three feet. No gate wider than five feet shall be constructed in a rear or side yard fence when vehicular access is not permitted from that direction.

....

(9) No fence may be constructed beyond the property line.

SECTION 3. *Amended.* Chapter 14, Buildings and Building Regulations, Article IV, Fences, Division 1, Generally, Section 114, Exclusions, of the Maumelle City Code is hereby amended as follows:

....

(b) This article shall not apply to fences erected before November 1, 2006, but such fences are nonetheless subject to any other applicable restrictions which may legally exist. However, if a fence exempted by the foregoing provision is materially damaged, destroyed or otherwise removed, the same must be repaired, replaced or reconstructed in compliance with this article.

(1) Section 14-112(9) shall not apply to fences erected before November 1, 2006 along or near the rights of way of North Odom Boulevard and Maumelle Boulevard in Rolling Oaks Additions, Phase I, II, and III. Such fences may be repaired, replaced, or reconstructed in the location that the fence was located on November 1, 2006.

....

SECTION 4. *Amended.* Chapter 14, Buildings and Building Regulations, Article IV, Fences, Division 1, Generally, Section 115, Variance, of the Maumelle City Code is hereby amended to read as follows:

If a fence permit is denied, Any person the applicant may apply to the planning commission for a variance from the provisions of this article. If the variance is not granted, a person the applicant may appeal the decision to the city council. The applicant may appeal the city council's decision to a court of record.

Approved this ___ day of _____, 2016.

By: _____
Michael Watson, Mayor

Attest:

Joshua Clausen, City Clerk

Approved As To Legal Form:

Caleb Norris, City Attorney

SPONSORED BY:

Mayor Michael Watson and Alderman Steve Mosley

	Mosley	Saunders	Kelley	Anderson	Lewis	Timmons	Vaprezsan	Holt
Yes								
No								

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
MAUMELLE, PULASKI COUNTY, ARKANSAS**

RESOLUTION NO. 2016-23

**A RESOLUTION TO GRANT A CONDITIONAL USE PERMIT TO CHRISTIAN
LIFE CHURCH TO LOCATE A CHURCH IN A PCD ZONING DISTRICT**

WHEREAS, the Maumelle Planning Commission conducted a public hearing and meeting on July 28, 2016, to consider a Conditional Use Permit for certain property, zoned PCD, which is within the City of Maumelle, Arkansas;

WHEREAS, the Planning Commission passed a motion to recommend approval of the Conditional Use Permit; and

WHEREAS, the facility as described in the application for a conditional use permit does not adversely affect the character of the subject property or surrounding properties.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MAUMELLE, ARKANSAS, AS FOLLOWS:

SECTION 1. The application filed by Don Richardson, on behalf of Christian Life Church, seeking a conditional use permit for the operation of a church facility in an area PCD, is approved and a conditional use permit is hereby granted to Christian Life Church, located at 301 Millwood Circle, Suite 102, in Maumelle, Arkansas, 72113, for a church at that location zoned PCD.

RESOLVED this 15th day of August, 2016.

Michael Watson, Mayor

ATTEST:

Joshua Clausen, City Clerk

APPROVED AS TO LEGAL FORM:

Caleb Norris, City Attorney

SPONSORED BY:

Mayor Watson

	Mosley	Saunders	Kelley	Anderson	Lewis	Timmons	Vaprezsan	Holt
Yes								
No								

**MINUTES
REGULAR MEETING
CITY OF MAUMELLE
PLANNING COMMISSION
July 28, 2016
5:30 PM
CITY HALL**

COMMISSION MEMBERS PRESENT

John Todd
Mike Fisher
Craig Johnson
David Gershner
Adrian Greene
Roy Andrews
Hall Ramsey

COMMISSION MEMEBERS ABSENT

STAFF MEMBERS PRESENT

Jim Narey, Planning Director
Caleb Norris, City Attorney
Lawren Aycock, Project Coordinator

OTHER STAFF MEMBERS ABSENT

Mizan Rahman, City Engineer
Dwight Pattison, Planning Consultant

Chairman Fisher called the special meeting of the Maumelle Planning Commission to order at 6:30pm.

ANNOUNCEMENTS

None

APPROVAL OF MINUTES FOR June 23, 2016

Chairman Fisher asked for comments and/or changes to the minutes as submitted.

MOTION: Commissioner Todd made a motion to approve the minutes as submitted.
Commissioner Ramsey seconded the motion and the motion passed unanimously.

PUBLIC COMMENT

Chairman Fisher opened public comment at 6:31pm.

OLD BUSINESS

There was no old business.

NEW BUSINESS

1) **Request for a conditional use permit to locate a church in a PCD zoning district.**

Mr. Narey stated Christian Life Church had been granted a conditional use permit years ago and the church was relocating. Mr. Narey stated that Staff recommended for a “do-pass” recommendation to the Maumelle City Council.

MOTION: Commissioner Todd made a motion to recommend to the Maumelle City Council a “do-pass” recommendation for a conditional use permit to locate a church in a PCD zoning district for Christian Life Church. Commissioner Andrews seconded the motion and the motion passed unanimously.

THE BOARD OF ZONING ADJUSTMENT WAS CONVENED AT 6:32

2) **Request for a variance regarding Section 94-414 (a) (1) (c). This request is in regard to a proposed accessory building that would compromise a 75 foot building line.**

Mr. Narey stated that North Little Rock Waste Water Management had directed them to construct the building at this location and that Staff recommended for approval.

Commissioner Johnson recused himself from the vote.

MOTION: Commissioner Todd made a motion to grant the variance for Kimberly Clark regarding Section 94-414 (a) (1) © regarding a proposed accessory building compromising the 75 foot building line. Commissioners Andrews and Ramsey seconded the motion and the motion passed unanimously.

THE MAUMELLE PLANNING COMMISSION WAS RECONVENED AT 6:34.

PUBLIC HEARING WAS CLOSED AT 6:35PM.

CITY COUNCIL LIAISON REPORTS

- July 5- Commissioner Greene stated there were no items regarding the Planning Commission.
- July 18 – please refer to City Council minutes

MOTION: Commissioner Andrews made a motion to adjourn the meeting. Commissioner Todd seconded the motion and the motion passed.

The meeting was adjourned.

Approved:

Chairman Mike Fisher, August 25, 2016

**ZONING SUMMARY
CONDITIONAL USE PERMIT
NAME**

OWNER: Jim Im

APPLICANT: Christian Life Church

REQUEST: Conditional use permit

PURPOSE: To locate a church in a PCD zoning district.

EXISTING ZONING: PCD

LEGAL DESCRIPTION: see site plan

LOCATION: 301 Millwood Circle (Maumelle Corners)

SITE CHARACTERISTICS: Asphalt lot supporting various commercial and retail establishments.

EXISTING LAND USE: Commercial

ABUTTING LAND USE AND ZONING:

NORTH: Land Use MFA multi-family attached
Zoning R-2 multi-family residential

SOUTH: Land Use COMM commercial
Zoning C-2 town center

EAST: Land Use COMM commercial
Zoning PCD planned commercial district

WEST: Land Use COMM commercial
Zoning PCD planned commercial district

ZONING HISTORY: No request for rezoning on file

ZONING ANALYSIS
Conditional Use

DEMAND: First request to locate a church in Maumelle Corners

CONFORMANCE WITH MUNICIPAL PLANS: Church can be accommodated as a conditional use.

ENVIRONMENTAL IMPACT: None noted

NEIGHBORHOOD POSITION: 3 positive responses for citizens. One neutral comment

PUBLIC SERVICES: No impact noted

PUBLIC FINANCES: Continued community service fees

LEGAL CONSIDERATIONS/REASONABLENESS: Proposal is reasonable as a conditional use request.

QUALITY CONTROLS: Church services and Bible study to be held when all other businesses would be closed.

TRAFFICE AND STREET RIGHT-OF-WAY: adequate, 2 points on ingress/egress

ANALYSIS AND SUMMARY: No adverse impact noted, applicant previously granted a CUP to locate on Murphy Drive

STAFF RECOMMENDATIONS: "Do-Pass" recommendation to the Maumelle City Council.



City of Maumelle

APPLICATION FOR CONDITIONAL USE PERMIT

Application is hereby made to the Maumelle City Council through the Planning Commission pursuant to the provisions of Ordinance #61, the Maumelle Zoning Ordinance which was adopted in accordance with the requirements of Act 186 of 1957 Acts of Arkansas petitioning to allow a Conditional Use Permit in the following described area:

301 Millwood Circle Suite 104 Maumelle

Title to this property is vested

in: Jim H. Helen / M Golden GROUP INC

Property is zoned: Commercial Z-3

It is desired that a Conditional Use Permit be issued to allow for the following use: Church

It is understood that notice of the public hearing hereon must be published in accordance with the requirements set forth in the instructions given with this application. It is further understood that the cost and responsibility of such notice is borne by the applicant.

[Signature] 7-5-14
Signature of Applicant Date

Address: 49 Vantage Dr Maumelle, AR 72113
Phone: 501-416-5309

[Signature] 7-4-2016
Signature of Owner Date

Address: 301 Millwood Circle Maumelle AR 72113
Phone: 501-258-1212

STAFF USE ONLY

Planning Commission Meeting Docketed for _____, 20__ at _____ p.m.

Filing Fee: _____

Planning Commission Action: Approved: _____ Denied: _____
Date: _____

City Council Action: Approved: _____ Denied: _____
Date: _____ Ordinance No: _____



OFFICE OF THE CITY ATTORNEY

August 8, 2016

Maumelle City Council
550 Edgewood Drive, Suite 590
Maumelle, AR 72113
For Inclusion in City Council Packet

RE: Current Litigation

Dear City Council:

Alderman Kelley has requested that I provide the City Council with a list of all current litigation involving the City of Maumelle. Current litigation involving the City of Maumelle as of the date of this letter is as follows:

Patricia Meyer v. City of Maumelle et al., United States District Court, Eastern District of Arkansas, Case No. 4:14-cv-00574-KGB—This wrongful termination case, which was originally filed in the Circuit Court of Pulaski County on July 29, 2014, is being handled by the Arkansas Municipal League's Municipal Legal Defense Program. A jury trial is currently scheduled for the week of September 5, 2016. A settlement conference is currently scheduled for August 16, 2016 before Magistrate Judge Joe J. Volpe.

Michael J. O'Leary v. City of Maumelle et al., Circuit Court of Pulaski County, Arkansas, Case No. 60CV-15-3757—This lawsuit revolves around the City Council's approval of Maumelle Water Management's proposed rate increase on July 20, 2015. Defense of this matter is being handled by the City Attorney. No trial date has been set.

Martin Wainwright v. City of Maumelle, Circuit Court of Pulaski County, Arkansas, Case No. 60CV-16-3084—This personal injury/negligence lawsuit was filed on June 9, 2016, and is being handled by the Arkansas Municipal League's Municipal Vehicle Program. No trial date has been set.

As always, please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Caleb Norris".

Caleb Norris
City Attorney

**CITY OF MAUMELLE
DEPARTMENT OF CODE ENFORCEMENT / PERMITS
THREE YEAR SINGLE FAMILY PERMIT COMPARISONS
As of July 2016**

	<u>2014</u>		<u>2015</u>		<u>2016</u>	
	<u>Permits</u>	<u>Fees</u>	<u>Permits</u>	<u>Fees</u>	<u>Permits</u>	<u>Fees</u>
January	0	\$0	0	0	6	\$9,842.80
February	5	\$8,284.40	1	\$1,083.60	4	\$4,520.60
March	2	\$5,109.60	3	\$5,370.80	2	\$2,864.80
April	8	\$7,423.60	5	\$7,149.60	9	\$10,521.60
May	10	\$15,403.60	3	\$2,710.80	1	\$1,184.40
June	6	\$6,443.60	0	0	2	\$3,032.40
July	5	\$7,116.40	6	\$7,615.60	4	\$3,320.80
August	4	\$6,964.80	3	\$3,622.40		
September	3	\$2,664.40	4	\$4,856.40		
October	39	\$15,964.18	4	\$6,720.00		
November	6	\$7,956.00	2	\$1,852.40		
December	10	\$11,431.20	4	\$4,551.90		
TOTALS	98	\$94,761.78	35	\$45,533.50	28	\$35,287.40

**CITY OF MAUMELLE
SINGLE FAMILY TOTAL VALUES
JULY 2016**

Estimated Values

DATE	BUILDER	LOT/SUB	ADDRESS	LOT	BUILDING	TOTAL
7/19/2015	Keathley Homes	L21B2 VNB	114 Nantucket Loop	\$12,000	\$108,000	\$120,000
7/20/2016	Keathley Homes	L22B2 VNB	116 Nantucket Loop	\$21,000	\$108,000	\$129,000
7/20/2016	Randy James Construction	L4B2 VNB	129 Melville Drive	\$30,000	\$165,000	\$195,000
7/20/2016	Randy James Construction	L6B3 VNB	223 Nantucket Loop	\$35,000	\$190,000	\$225,000

**BUILDING PERMITS
MAUMELLE, ARKANSAS
JULY 2016**

SINGLE FAMILY NEW CONSTRUCTION

Date	Lot & Subdivision	Address	Builder	Sq.Feet	Estimated
				Heated/Cooled	Value
7/19/16	L21B2 VNB	114 Nantucket Loop	Keathley Homes	1349	\$120,000
7/20/16	L22B2 VNB	116 Nantucket Loop	Keathley Homes	1554	\$129,000
7/20/16	L4B2 VNB	129 Melville Drive	Randy James Construction	1484	\$195,000
7/20/16	L6B3 VNB	223 Nantucket Loop	Randy James Construction	1631	\$225,000

CITY OF MAUMELLE
DEPARTMENT OF CODE ENFORCEMENT / PERMITS
THREE YEAR DEPOSIT COMPARISONS
2014-2015-2016
As of July 2016

	<u>2014</u>	<u>2015</u>	<u>2016</u>
JANUARY	\$ \$6,309.64	\$36,466.32	\$9,694.17
FEBRUARY	\$11,821.91	\$4,944.83	\$11,809.21
MARCH	\$11,342.92	\$15,289.41	\$7,978.82
APRIL	\$6,872.69	\$10,927.37	\$20,055.74
MAY	\$9,420.13	\$17,397.25	\$7908.18
JUNE	\$7,409.11	\$20,583.10	\$18,582.01
JULY	\$17,930.77	\$6,812.44	\$22,788.04
AUGUST	\$9,288.73	\$15,955.97	
SEPTEMBER	\$9,964.26	\$24,665.94	
OCTOBER	\$36,796.33	\$15,030.56	
NOVEMBER	\$18,336.67	\$6,190.52	
DECEMBER	\$11,603.06	\$5,515.82	
TOTALS	\$157,096.22	\$179,779.53	\$98,816.17

**CITY OF MAUMELLE
COMMERCIAL BUILDING PERMITS
2016**

<u>DATE</u>	<u>BUILDER</u>	<u>OWNER</u>	<u>ADDRESS</u>	<u>SQUARE FOOTAGE</u>	<u>TOTAL VALUE</u>
*NO COMMERCIAL TO REPORT AS OF 1/31/2016					
2/26/16	Ross Sparks Builders	Maumelle Senior Center	2 Club Manor Cove	16,060	\$3,904,257
3/14/16	Tri-South Contractors	Child Care Development	104 Country Club	9017	\$1,245,000
6/13/16	DL Rogers Corp.	SONIC	111 Commons Drive	1,800	\$1,350,000
6/22/16	Nabholz Construction	The Maumelle Foundation	900 Edgewood Drive	86,000	\$15,000,000