

**AGENDA
REGULAR MEETING
CITY COUNCIL
CITY OF MAUMELLE
SEPTEMBER 6, 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

A. Entergy Representative—Jay Hartman

4. APPROVAL OF MINUTES – AUGUST 15TH REGULAR MEETING & AUGUST 16TH SPECIAL 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 910 Amending Chapter 14, Buildings and Building Regulations **Mayor Watson**
With no objections, Mayor Watson may call for the third reading of the ordinance Amending Chapter 14, Buildings and Building Regulations. **A MOTION IS IN ORDER.**

9. NEW BUSINESS

- A. First Reading Ordinance 911 Amending Maumelle Land Use Plan **Mayor Watson**
With no objections, Mayor Watson may call for the first reading of the ordinance amending the current Land Use to show that the land use on the area identified as “Rezone from R-2 to R-1” with the legal description as stated on the survey attached hereto as Exhibit A, a part of the SW1/4 NW1/4 and a part of the NW1/4 SW1/4 Section 29, T-3-N, R-13-W, Pulaski County, Arkansas, dated August 4, 2016 without revision, that was previously designated as MFA (MultiFamily Attached) to SFD (Single Family Detached) to accommodate the anticipated use by the applicant. NO ACTION IS REQUIRED.
- B. First Reading Ordinance 912 Amending Maumelle Zoning Map **Mayor Watson**
With no objections, Mayor Watson may call for the first reading of the ordinance amending the current Zoning Map to show that the land use on the area identified as “Rezone from R-2 to R-1” with the legal description as stated on the survey attached hereto as Exhibit A, a part of the SW1/4 NW1/4 and a part of the NW1/4 SW1/4 Section 29, T-3-N, R-13-W Pulaski County, Arkansas, dated August 4, 2016 without revision, that was previously designated as R-2 to R-1 to accommodate the anticipated use by the applicant. NO ACTION IS REQUIRED.
- C. Resolution 2016-25 Approving the Disposal of City Surplus Property **Mayor Watson**
With no objections, Mayor Watson may call for the reading of the resolution approving the disposal of 2 trucks for the Public Works Department. A MOTION IS IN ORDER.
- D. City Clerk/Treasurer Vacancy and Appointment Discussion

10. MAYOR’S COMMENTS

- A. Traffic Issue at Maumelle Middle School—Possible Traffic Committee Meeting
- B. Bash on the Boulevard—September 10
- C. Senior Fishing Derby— September 9
- D. Public Hearing I-40 Interchange – September 15, 4:00p.m. to 7:00p.m.

11. PLANNING COMMISISON REPORT

- A. Alderman Anderson

12. ALDERMEN’S COMMENTS

13. CITY ATTORNEY’S COMMENTS

- A. Abstentions and Conflicts of Interest

14. CITY CLERK’S COMMENTS

15. FYI

- A. Sales Tax Reports

- C. September Planning Commission Liaison—Alderman Saunders
- D. Rock Region Metro Letter and Mid-Year Report
- E. Letter from County Judge Barry Hyde
- F. City Attorney Letter on City Clerk/Treasurer Retirement Benefits

16. ADJOURNMENT

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

Mayor Watson called the meeting to order at 6:00 p.m. with eight members present. City Clerk Clausen was absent. Mayor Watson gave the invocation and led the Pledge of Allegiance.

APPROVAL OF MINUTES – AUGUST 1ST REGULAR MEETING

Alderman Anderson motioned to approve the August 1st minutes. Alderman Kelley seconded the motion and it passed unanimously.

FINANCIAL STATEMENT REVIEW

Tasha Thompson presented the Council with a PowerPoint presentation of the current financials.

Alderman Anderson motioned to approve the current financials. Alderman Saunders seconded the motion and it passed unanimously.

PROCEDURAL MOTION

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

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 third reading of the ordinance permitting Team Summit LLC, a company owned by Alderman Timmons, to do business with the City of Maumelle. The Deputy City Clerk gave the reading.

Alderman Anderson motioned to approve Ordinance 909. Alderman Kelley seconded the motion and it passed with Aldermen Mosley, Lewis and Holt voting no. Mayor Watson voted to approve the ordinance.

Alderman Anderson motioned to approve the emergency clause. Alderman Kelley seconded the motion and it failed with Aldermen Mosley, Lewis and Holt voting no.

ORDINANCE 910 – AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS

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

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

RESOLUTION 2016-23 GRANTING A CONDITIONAL USE PERMIT

With no objections, Mayor Watson called for the reading of the resolution granting a conditional use permit to Christian Life Church to locate a church in a PCD zoning district. The Deputy City Clerk gave the reading.

Alderman Vaprezsan motioned to approve Resolution 2016-23. Alderman Timmons seconded the motion and it passed unanimously.

MAYOR’S COMMENTS

Mayor Watson stated that an awards ceremony for Charles Grisham took place in the Council chambers on August 12, 2016 and the turnout was great.

Mayor Watson commented on the first days of school starting with no major accidents other than rain. He noted that accidents on I-40 made for some traffic congestion.

Mayor Watson noted the fire department receiving an EMS award.

Mayor Watson stated that there could possibly be a special City Council meeting on August 16th in regards to a current lawsuit involving the City. The Mayor stated there would be a settlement conference during the day of the 16th and that the results of the conference would determine whether a special Council meeting would need to take place.

At 6:40pm Alderman Lewis left the meeting while the Council discussed specifics on the settlement conference.

ALDERMAN’S COMMENTS

Alderman Mosley asked what would be discussed at the settlement conference. City Attorney Norris gave a brief overview of what generally happens during a settlement conference.

Alderman Kelley asked what the status was on hiring for the vacant department head positions. Mayor Watson stated that they are still looking. He stated he had been busy with the current litigation involving the City, but planned to make hiring the vacant department heads a top priority.

Alderman Vaprezsan apologized to his fellow aldermen and John Todd for an incident that took place a while back during a meeting when the aldermen and Mr. Todd decided to leave because it was getting out of hand and were not treated respectfully due to their absence.

CITY ATTORNEY'S COMMENTS

City Attorney Norris briefly went over the current lawsuits that the City is involved in. City Attorney Norris stated that the jury trial for the Patricia Meyer's lawsuit was set for September 12th.

ADJOURNMENT

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

Mayor Watson adjourned the meeting at 7:07 pm.

MAYOR MICHAEL WATSON

APPROVED
September 6, 2016

**MINUTES
SPECIAL MEETING
CITY COUNCIL
CITY OF MAUMELLE
AUGUST 16, 2016
6:00 PM
CITY HALL**

Mayor Watson called the special meeting to order at 6:00 p.m. with seven members present.

Mayor Watson stated that Alderman Lewis was stuck in traffic so he would recess the meeting and give him some time to get here.

Mayor Watson reconvened the meeting at 6:08 pm with eight members present.

PROCEDURAL MOTION

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

RESOLUTION 2016-24 SUPPORTING A SETTLEMENT

With no objections, Mayor Watson called for the reading of the resolution supporting the settlement of the Patricia Meyer V. City of Maumelle et al.

Amanda LaFever, with Arkansas Municipal League, gave the reading.

Alderman Anderson motioned to accept Resolution 2016-24. Alderman Holt seconded the motion and it passed with only Alderman Lewis voting no.

ADJOURNMENT

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

Mayor Watson adjourned the meeting at 6:10 pm.

MAYOR MICHAEL WATSON

APPROVED

September 6, 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:

_____, 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	Vaprezsán	Holt
Yes								
No								

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF
MAUMELLE, COUNTY OF PULASKI, STATE OF ARKANSAS,**

AN ORDINANCE TO BE ENTITLED:

ORDINANCE NO. 911

**AN ORDINANCE AMENDING THE MAUMELLE LAND USE PLAN
AND MAP AND FOR OTHER PURPOSES**

WHEREAS, the Maumelle Planning Commission, upon request of the property owner, considered an amendment to the Maumelle Land Use Map and desires to adopt the Maumelle Land Use Map reflecting said changes;

WHEREAS, on August 25, 2016, at a public hearing, a majority of the members of the Planning Commission approved a motion to recommend adoption of the amendment to the land use map to the Maumelle City Council; and

WHEREAS, the City Council has reviewed the recommendations of the Planning Commission, the recommendation of staff, has obtained facts, statements and other information concerning the request to adopt the land use plan on certain property.

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

Section 1. The Maumelle Land Use Plan and Map is hereby amended to show that the land use on the area identified as “Rezone from R-2 to R-1” with the legal description as stated on the map attached hereto as Exhibit A, a part of the SW1/4 NW1/4 and a part of the NW1/4 SW1/4 Section 29, T-3-N, R-13-W, Pulaski County, Arkansas, dated August 4, 2016 without revision, that was previously designated as MFA (MultiFamily Attached) to SFD (Single Family Detached) to accommodate the anticipated use by the applicant. The description on the attached survey reflects the property that is the subject of this action.

Section 2. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. If any clause, sentence, paragraph, section or other portion of this ordinance is found to be unconstitutional, invalid, or inoperative by a court of competent jurisdiction, such findings shall not affect the validity of the remainder of these sections, nor shall any proceeding invalidating any portion of any section operate to affect any portion of the remainder of said sections not specifically attacked in said proceeding.

APPROVED this ____ day of _____, 2016.

By: _____
Michael Watson, Mayor

Attest:

_____, City Clerk

Approved As To Legal Form:

Caleb Norris, City Attorney

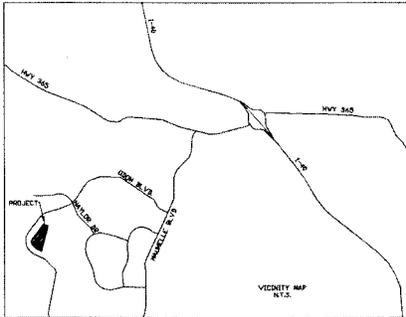
SPONSORED BY:

Mayor Michael Watson

	Mosley	Saunders	Kelley	Anderson	Lewis	Timmons	Vaprezsan	Holt
Yes								
No								

NW CORNER
SECTION 29
T-3-N, R-13-W

S 90°00'00" E 2564.28'



Scale 1" = 100 ft

S 00°00'00" W 611.08'

R1257.63'
CDN62°34'37"E
LC946.72'

N 25°52'36" E 225.00'
N 19°30'15" W 50.00'
N 70°29'45" E 1131.99'

RIDGEVIEW TRAILS
PHASE I

MAUMELLE RIDGE 223, LLC
ZONED R-1

MAUMELLE RIDGE 223, LLC
ZONED R-1

ODUM BOULEVARD
(120' R/W)

S 66°01'07" E 87.97'
S 71°22'23" E 29.70'
N 01°17'22" E 433.19'
S 66°00'55" E 149.56'

MAUMELLE RIDGE 223, LLC
ZONED R-2

MAUMELLE RIDGE 223, LLC
ZONED R-1

REZONE FROM R-2 TO R-1

R350.00'
CDN13°37'48"W
LC545.36'

MAUMELLE RIDGE 223, LLC
ZONED R-2

LEGAL DESCRIPTION

A PART OF THE SW1/4 OF THE NW1/4, AND A PART OF THE NW1/4 OF THE SW1/4, ALL IN SECTION 29, T-3-N, R-13-W, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29; THENCE N00°00'00"E, A DISTANCE OF 2564.28 FEET; THENCE S00°00'00"E, A DISTANCE OF 611.08 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF ODUM BOULEVARD; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1257.63 FEET, AN ARC DISTANCE OF 347.83 FEET AND A CHORD BEARING AND DISTANCE OF S62°34'37"W, 346.72 FEET; THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE S70°29'45"W, A DISTANCE OF 1131.99 FEET; THENCE S19°30'15"E, A DISTANCE OF 50.00 FEET; THENCE S25°52'36"W, A DISTANCE OF 225.00 FEET; THENCE S01°17'22"W, A DISTANCE OF 433.19 FEET TO THE POINT OF BEGINNING; THENCE S66°00'59"E, A DISTANCE OF 237.92 FEET; THENCE S14°37'42"W, A DISTANCE OF 1421.34 FEET; THENCE N64°48'26"W, A DISTANCE OF 397.20 FEET; THENCE NORTHWESTERLY ALONG A 350.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF N13°37'48"W, 545.36 FEET; THENCE N37°32'49"E, A DISTANCE OF 986.80 FEET; THENCE S71°22'23"E, A DISTANCE OF 29.70 FEET; THENCE S66°00'59"E, A DISTANCE OF 87.96 FEET TO THE POINT OF BEGINNING, CONTAINING 16.6036 ACRES, MORE OR LESS.

WHITE-DATERS & ASSOCIATES, INC.
CIVIL ENGINEERING, LAND PLANNING & DEVELOPMENT, SURVEYING
24 RAHLING CIRCLE LITTLE ROCK, ARKANSAS 72225
PH. 501-621-1687 FAX. 501-621-1688

REZONING		Method
A part of the SW1/4 NW1/4 and a part of the NW1/4 SW1/4 Section 29, T-3-N, R-13-W Pulaski County, Arkansas		Date 8-4-18
Scale	Sheet	Part
Name	of	
Job No.		

**MINUTES
REGULAR MEETING
CITY OF MAUMELLE
PLANNING COMMISSION
August 25, 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 July 28, 2016

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

MOTION: Commissioner Johnson made a motion to approve the minutes as submitted. Commissioner Andrews 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.

Page 2

NEW BUSINESS

- 1) **Request for amendment to the Maumelle Master Land Use Plan involving 16.6038 acres southwest of the intersection of Odom Boulevard and Naylor Drive. The proposed amendment would be from "MFA" (multifamily attached) to "SFD" (single family detached).**

Mr. Narey stated there were 77 citizen responses regarding the matter; 73 in favor and 4 no comment. Mr. Narey stated the request was for 16.6038 acres to become "SFD" from "MFA", part of 43 acres of R-2 zoned property. Mr. Narey stated that Staff recommended for a "do-pass" recommendation to the Maumelle City Council.

Commissioner Andrews asked if there would be two different zonings in one parcel.

Mr. Narey stated yes that is what was being proposed.

MOTION: Commissioner Todd made a motion to recommend to the Maumelle City Council a "do-pass" recommendation for an amendment to the Maumelle Master Land Use Plan from "MFA" (multifamily attached) to "SFD" (single family detached).
Commissioner Ramsey seconded the motion and the motion passed unanimously.

- 2) **Request for amendment to the Maumelle Master Zoning Map involving 16.6038 acres southwest of the intersection of Odom Boulevard and Naylor Drive. The proposed amendment would be from "R-2" (multifamily) to "R-1" (single family detached).**

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 an amendment to the Maumelle Master Zoning Map from "R-2" (multifamily) to "R-1" (single family detached).
Commissioners Andrews and Ramsey seconded the motion and the motion passed unanimously.

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF
MAUMELLE, COUNTY OF PULASKI, STATE OF ARKANSAS,**

AN ORDINANCE TO BE ENTITLED:

ORDINANCE NO. 912

**AN ORDINANCE AMENDING THE MAUMELLE ZONING MAP AND
FOR OTHER PURPOSES**

WHEREAS, the Maumelle Planning Commission, upon request of the property owner, considered an amendment to the Maumelle Zoning Map and now desires to adopt the Maumelle Zoning Map reflecting said changes;

WHEREAS, on August 25, 2016, at a public hearing, a majority of the members of the Planning Commission approved a motion to recommend adoption of the amendment to zoning map to the Maumelle City Council; and

WHEREAS, the City Council has reviewed the recommendations of the Planning Commission, the recommendation of staff, has obtained facts, statements and other information concerning the request to adopt the land use plan on certain property.

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

Section 1. The Maumelle Zoning Map is hereby amended to show that the land use on the area identified as "Rezone from R-2 to R-1" with the legal description as stated on the map attached hereto as Exhibit A, a part of the SW1/4 NW1/4 and a part of the NW1/4 SW1/4 Section 29, T-3-N, R-13-W Pulaski County, Arkansas, dated August 4, 2016 without revision, that was previously designated as R-2 to R-1 to accommodate the anticipated use by the applicant. The description on the attached survey reflects the property that is the subject of this action.

Section 2. All other ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

Section 3. If any clause, sentence, paragraph, section or other portion of this ordinance is found to be unconstitutional, invalid, or inoperative by a court of competent jurisdiction, such findings shall not affect the validity of the remainder of these sections, nor shall any proceeding invalidating any portion of any section operate to affect any portion of the remainder of said sections not specifically attacked in said proceeding.

APPROVED this ___ day of _____, 2016.

By: _____
Michael Watson, Mayor

Attest:

_____, City Clerk

Approved As To Legal Form:

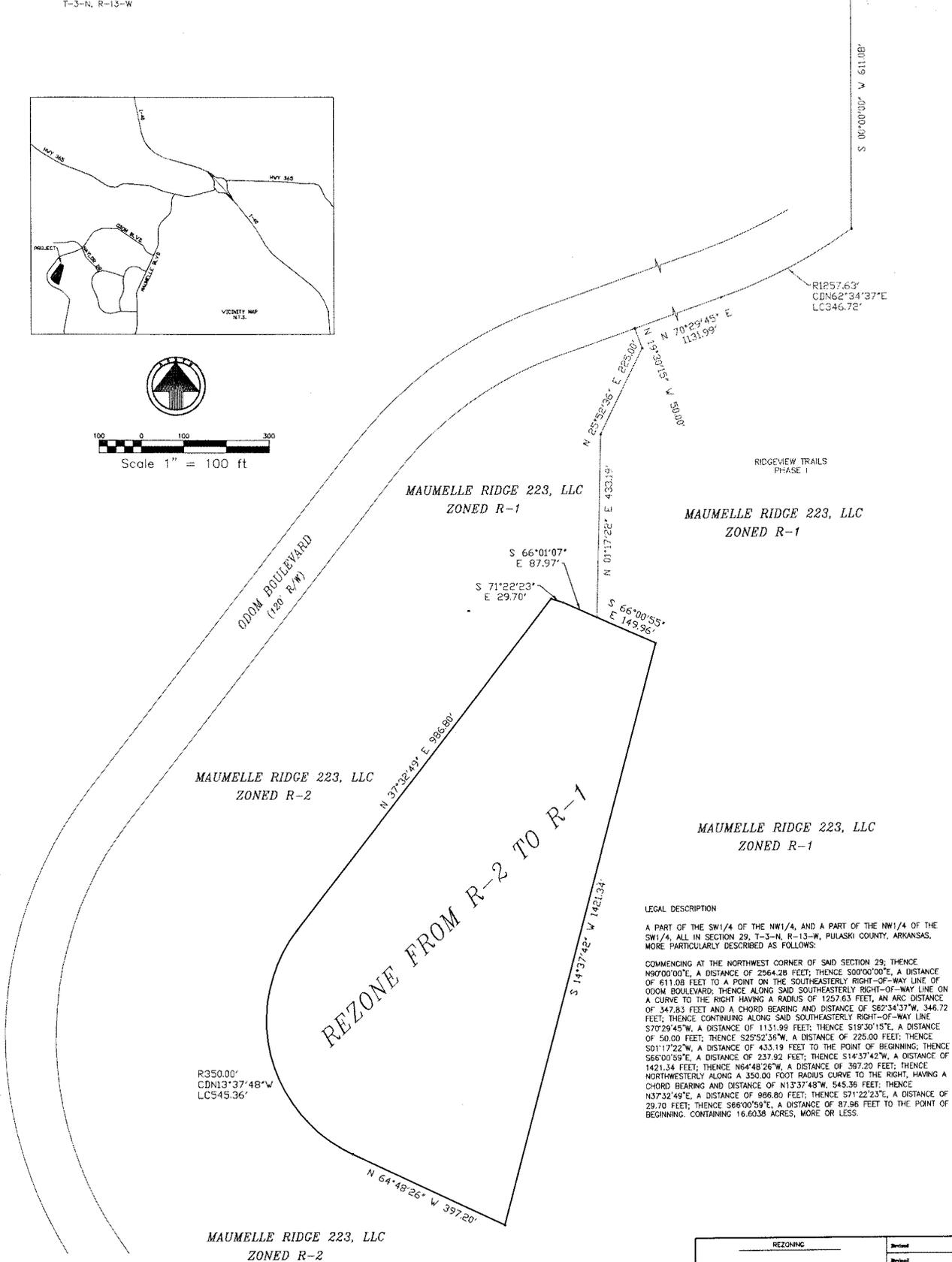
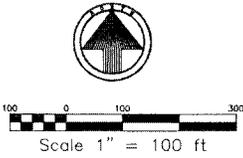
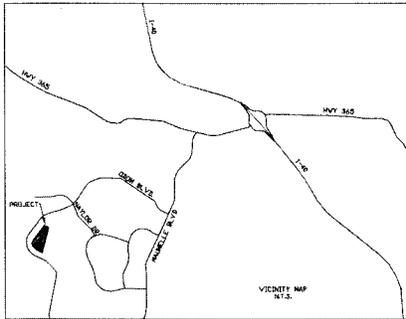
Caleb Norris, City Attorney

SPONSORED BY:

Mayor Michael Watson

	Mosley	Saunders	Kelley	Anderson	Lewis	Timmons	Vaprezsán	Holt
Yes								
No								

NW CORNER SECTION 29
T-3-N, R-13-W
S 90°00'00" E 2564.28'



LEGAL DESCRIPTION

A PART OF THE SW1/4 OF THE NW1/4, AND A PART OF THE NW1/4 OF THE SW1/4, ALL IN SECTION 29, T-3-N, R-13-W, PULASKI COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID SECTION 29; THENCE N80°00'00"E, A DISTANCE OF 2564.28 FEET; THENCE S00°00'00"E, A DISTANCE OF 611.08 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF ODOM BOULEVARD; THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE ON A CURVE TO THE RIGHT HAVING A RADIUS OF 1257.63 FEET, AN ARC DISTANCE OF 347.83 FEET AND A CHORD BEARING AND DISTANCE OF S62°34'37"W, 346.72 FEET; THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY LINE S70°29'45"W, A DISTANCE OF 1131.99 FEET; THENCE S19°30'15"E, A DISTANCE OF 50.00 FEET; THENCE S25°52'36"W, A DISTANCE OF 225.00 FEET; THENCE S01°17'22"W, A DISTANCE OF 433.19 FEET TO THE POINT OF BEGINNING; THENCE S65°00'59"E, A DISTANCE OF 237.92 FEET; THENCE S14°37'42"W, A DISTANCE OF 1421.34 FEET; THENCE N64°48'26"W, A DISTANCE OF 397.20 FEET; THENCE NORTHWESTERLY ALONG A 350.00 FOOT RADIUS CURVE TO THE RIGHT, HAVING A CHORD BEARING AND DISTANCE OF N13°37'48"W, 545.36 FEET; THENCE N37°32'49"E, A DISTANCE OF 996.80 FEET; THENCE S71°22'23"E, A DISTANCE OF 29.70 FEET; THENCE S66°00'59"E, A DISTANCE OF 87.96 FEET TO THE POINT OF BEGINNING, CONTAINING 16.6038 ACRES, MORE OR LESS.

WHITE-DATERS & ASSOCIATES, INC.
CIVIL ENGINEERING, LAND PLANNING & DEVELOPMENT, SURVEYING
24 HAWKING CIRCLE LITTLE ROCK, ARKANSAS 72223
PH. 501-821-1887 FAX 501-821-1888

REZONING		
A part of the SW1/4 NW1/4 and a part of the NW1/4 SW1/4 Section 29, T-3-N, R-13-W Pulaski County, Arkansas		
Revised		
Revised		
Date	Sheet	Part
Name	of	
Job No.		

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

RESOLUTION NO. 2016-25

A RESOLUTION TO APPROVE THE DISPOSAL OF CITY SURPLUS PROPERTY

WHEREAS, Ordinance #418 allows the Mayor to dispose of surplus property, but requires that disposal of City property valued over One Thousand Dollars (\$1,000.00) be approved by the City Council and sold by public bid or process of marketing; and,

WHEREAS, the Public Works Department has a 2006 Sterling Roll-off truck and a 2004 Sterling rear load truck that have outlived their useful life and will be replaced in their equipment fleet, and

WHEREAS, the Public Works Department has estimated the value of the equipment to be \$60,000.

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

The Council approves the disposal of the equipment attached as Exhibit A.

RESOLVED this 6th day of September, 2016.

Michael Watson, Mayor

ATTEST:

_____, City Clerk

APPROVED AS TO FORM:

Caleb Norris, City Attorney

SPONSORED BY:

Mayor Watson

	Mosley	Saunders	Kelley	Anderson	Lewis	Scott	Vaprezsan	Holt
Yes								
No								



City of Maumelle

Property Activity Form

Date Department Requesting Action

Property Description

Make or Brand Name	<input type="text" value="Sterling"/>	Estimated Value of Property	
Type of Property	<input type="text" value="Roll-off truck"/>	≤ \$100.00	<input type="checkbox"/> Mayor Approval
Model Number	<input type="text" value="LT7500"/>	\$100.01-1,000	<input type="checkbox"/> City Council Approval
Serial Number	<input type="text" value="2FZHATDC16AW40238"/>	Above \$1000	<input checked="" type="checkbox"/> Bid or Sale (by Council direction)
Property Value	<input type="text" value="\$65,000"/>		
City Asset Number	<input type="text" value="00843"/>	Asset Value	<input type="text" value="\$ 40,000"/>
Condition of property	<input type="checkbox"/> Good	<input checked="" type="checkbox"/> Fair	<input type="checkbox"/> Poor

Type of Action Requesting

Declare Surplus:
 Declare Surplus/Request permission to Dispose of
 Person Requesting Action: Number of pages attached
 Date
 Department Approval By: Date

ALL REQUEST MUST BE APPROVED BY MAYOR BEFORE PROPERTY BEING DELIVERED TO PUBLIC WORKS

Type of Disposal

- Discard
- Donate to other Agency
- Destroy
- Declare Surplus/Put in Storage
- Declare Surplus/Hold for City Auction
- Transfer

NOTE: Confiscated or abandoned property must have been in the possession of the City for no less than 60 days, published twice in the newspaper, and a 5 day waiting period after the last publication of advertisement before any property activity being requested.

Date Last Published: _____
See Ord. #170

From:

To:

Trade In:
 Reason:

Mayor Approval By: Date

Received for Storage By: Date



City of Maumelle

Property Activity Form

Date

Department Requesting Action

Property Description

Make or Brand Name

Estimated Value of Property

Type of Property

≤ \$100.00

Mayor Approval

Model Number

\$100.01-1,000

City Council Approval

Serial Number

Above \$1000

Bid or Sale
(by Council direction)

Property Value

City Asset Number

Asset Value

Condition of property Good

Good

Fair

Fair

Poor

Poor

Type of Action Requesting

Declare Surplus:

Declare Surplus/Request permission to Dispose of

Number of pages attached

Person Requesting Action:

Date

Department Approval By:

Date

ALL REQUEST MUST BE APPROVED BY MAYOR BEFORE PROPERTY BEING DELIVERED TO PUBLIC WORKS

Type of Disposal

Discard

Donate to other Agency

Destroy

Declare Surplus/Put in Storage

Declare Surplus/Hold for City Auction

Transfer

NOTE: Confiscated or abandoned property must have been in the possession of the City for no less than 60 days, published twice in the newspaper, and a 5 day waiting period after the last publication of advertisement before any property activity being requested.

Date Last Published: _____

See Ord. #170

From:

To:

Trade In:

Reason:

Mayor Approval By:

Date

Received for Storage By:

Date



OFFICE OF THE CITY ATTORNEY

August 22, 2016

Maumelle City Council
For Inclusion in City Council Packet

RE: City Clerk/Treasurer Appointment

Dear City Council:

This letter will explain the process of filling the vacancy of the City Clerk/Treasurer position once City Clerk/Treasurer Clausen's resignation becomes effective. City Clerk/Treasurer Clausen has resigned effective August 31, 2016. At the next City Council meeting, currently scheduled for September 6, 2016, the City Council should declare the position of City Clerk/Treasurer vacant. At that time, the City Council should decide how it wishes to go about appointing someone to that position.

Unlike a vacancy in the position of Alderman, the Council is not obligated to fill the position at the next regular meeting following the Council's declaration of a vacancy. Arkansas Code Annotated § 14-43-412(a) states that "[i]n case any office of an elected officer, except aldermen of the ward, becomes vacant before the expiration of the regular term, then the vacancy shall be filled by the city council until a successor is duly elected and qualified." This statute does not mention a time frame to appoint a successor, but the Arkansas Attorney General has opined that the City Council has "a duty to fill the vacancy within a reasonable time after the occurrence of the vacancy." Ark. Op. Atty. Gen. No. 2006-123.

Because the City Clerk/Treasurer performs duties essential to the City, a longer-than-necessary vacancy should be avoided. Accordingly, it is my recommendation that at the next City Council meeting, the City Council decide at which meeting(s) it wishes to interview applicants and select a replacement. I recommend that the Council appoint a replacement at the regularly scheduled meeting on September 19th or October 3rd. Ultimately, however, this is a decision for the Council to consider at the next City Council meeting.

In the meantime, the City expects that it will advertise the expected vacancy prior to the next regularly scheduled City Council meeting.

Sincerely,

Caleb Norris
City Attorney



Map data ©2016 Google 200 ft

Google Maps



Map data ©2016 Google 100 ft

○ **ARTICLE II. - TRAFFIC AND PARKING COMMITTEE**^[2]

• **Sec. 82-41. - Authority.**

The city delegates to the traffic and parking committee authority to establish upon the public streets and property of the city reasonable restrictions for the parking and operation of motor vehicles. The committee shall have the right to establish no parking zones, restricted parking zones, restricted speed or traffic zones, or establish any special requirements as to the allowable manner in which motor vehicles may or may not be parked or operated.

(Ord. No. 75, § 1, 6-6-1988)

• **Sec. 82-42. - Committee established.**

The City of Maumelle, Arkansas hereby creates a parking and traffic committee to be composed of the Mayor, the Police Chief of the City of Maumelle, and the Director of the Department of Public Works. The two alderman representing the ward in which the proposed action being discussed would take place shall become voting members of the committee only until such time as the resolution of that issue is reached. Said committee shall have the authority to act by majority vote, provided that any action taken establishing or changing any parking or traffic restrictions or any meeting held shall be publicized beforehand with the notice of the subject matter to be discussed having been also previously publicized. Any committee action may be amended, reversed or altered by the city council. Furthermore, the committee shall be required to keep minutes of its meetings or otherwise memorialize in writing any action taken with regard to its authority.

(Ord. No. 75, § 2, 6-6-1988; Ord. No. 406, § 1, 11-5-2001)

• **Sec. 82-43. - Scope of authority.**

The scope of the delegation of authority described in section 82-41 shall include the right to establish no parking fire zones, handicapped parking only zones, no parking zones, time restricted parking zones, vehicle restricted parking zones, loading zone parking only areas, and other types of similar parking zones; speed limit zones, stop signs, yield signs or other parking or traffic signs which restrict as to time and manner or any other parking or traffic limitations which are reasonably necessary for the protection of the safety, health and welfare of the citizens of the city. Provided, however, that before any restriction established by the committee shall become effective, the city council shall be advised of said restriction or restrictions.

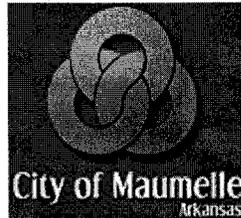
(Ord. No. 75, § 3, 6-6-1988; Ord. No. 406, § 1, 11-5-2001)

• **Sec. 82-44. - Manner of establishment of restrictions.**

The traffic and parking committee shall designate any parking or traffic restrictions by clearly marked signs visible to both pedestrians and motorists which indicates the area restricted, and the particular restrictions, whether partial or total, which apply to that particular area or zone. The sign may be placed upon a post wherein it is clearly visible; or, in the case of parking restrictions, it may be painted upon the curb if such method would be visible; or the committee may adopt any other method of signifying a restriction which is reasonable under the circumstances; but no signs or restrictions shall be constructed which violate state law.

(Ord. No. 75, § 4, 6-6-1988)

NOTICE OF LOCATION PUBLIC HEARING



WHAT: Location Public Hearing to discuss the proposed I-40 Interchange in Maumelle.

WHEN: Thursday September 15, 2016
4:00 PM to 7:00 PM

WHERE: Jess Odom Community Center
1100 Edgewood Drive
Maumelle, AR

Sponsor: City of Maumelle

Persons with special communication or accommodation needs under the Americans with Disabilities Act (ADA) may contact Jim Morley at Maumelle City Hall (501-851-2500 or jimm@maumlle.org). The hearing and speech impaired may contact TTY 711. Requests should be made at least 4 days prior to the public hearing.

NOTICE OF NONDISCRIMINATION: The AHTD complies with all civil rights provisions of federal statutes and related authorities that prohibit discrimination in programs and activities receiving federal financial assistance. Therefore, the Department does not discriminate on the basis of race, sex, color, age, national origin, religion, or disability, in the admission, access to, and treatment in the Department's programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to Joanna P. McFadden, Section Head – EEO/DBE (ADA/504/Title VI Coordinator), PO Box 2261, Little Rock, AR 72203, 501-569-2298, (Voice/TTY 711), or the following email address: joanna.mcfadden@ahtd.ar.gov. This notice is available from ADA/504/Title VI Coordinator in large print, on audiotape, and in Braille.

AHTD Job No. 061190



TREASURER OF STATE

Dennis Milligan
Treasurer

500 Woodlane Street, Suite 220
Little Rock, Arkansas 72201

Maumelle City Treasurer
550 Edgewood Drive, Suite 590
Maumelle, AR 72113-6907

City Sales and Use Tax Funds Distribution

From July, 2016

Effective Date: 8/25/2016

Maumelle Sales and Use Tax

\$198,993.12	Deposits
\$5,969.79	Service Charge
\$33.23	Interest Earned
\$181.09	Vending Decals
<hr/>	
\$193,237.65	Amount Distributed

City Sales Tax Receipts as of 8/25/16

<u>City Sales Tax 2016</u>		<u>City Sales Tax 2015</u>		<u>City Sales Tax 2014</u>	
January	\$ 183,840.41	January	\$ 163,827.26	January	\$ 158,595.58
February	\$ 316,645.88	February	\$ 245,918.10	February	\$ 220,714.92
March	\$ 218,500.16	March	\$ 171,927.13	March	\$ 152,724.85
April	\$ 163,747.79	April	\$ 172,283.49	April	\$ 127,834.26
May	\$ 243,159.26	May	\$ 174,677.48	May	\$ 192,715.85
June	\$ 165,632.22	June	\$ 176,055.42	June	\$ 160,899.48
July	\$ 192,440.10	July	\$ 172,953.46	July	\$ 206,241.98
August	\$ 193,237.65	August	\$ 211,343.96	August	\$ 195,095.70
September		September	\$ 194,181.79	September	\$ 198,303.58
October		October	\$ 194,693.99	October	\$ 189,891.92
November		November	\$ 208,235.41	November	\$ 188,520.22
December		December	\$ 195,134.66	December	\$ 179,306.78
	\$ 1,677,203.47		\$ 2,281,232.15		\$ 2,170,845.12
<u>City Sales Tax 2013</u>		<u>City Sales Tax 2012</u>		<u>City Sales Tax 2011</u>	
January	\$ 163,422.53	January	\$ 160,103.50	January	\$ 151,181.21
February	\$ 183,544.64	February	\$ 198,693.06	February	\$ 206,761.98
March	\$ 171,807.10	March	\$ 151,921.55	March	\$ 151,487.76
April	\$ 153,503.81	April	\$ 170,042.44	April	\$ 165,453.84
May	\$ 145,537.47	May	\$ 181,523.50	May	\$ 185,560.42
June	\$ 178,471.10	June	\$ 164,250.89	June	\$ 174,272.12
July	\$ 190,009.82	July	\$ 177,201.76	July	\$ 159,773.87
August	\$ 188,935.09	August	\$ 183,159.96	August	\$ 138,414.71
September	\$ 159,795.86	September	\$ 118,708.52	September	\$ 175,334.79
October	\$ 198,429.04	October	\$ 128,803.19	October	\$ 190,341.47
November	\$ 194,153.56	November	\$ 136,815.59	November	\$ 201,384.39
December	\$ 185,969.04	December	\$ 239,084.77	December	\$ 169,464.35
	\$ 2,113,579.06		\$ 2,010,308.73		\$ 2,069,430.91

Agency Name: TREASURER OF STATE
Address : 220 STATE CAPITOL BLDG
City,St Zip: LITTLE ROCK AR 72201

(501-682-5888)

Warrant Numb: 17DDA-0061075
Warrant Date: 8/23/2016
Payment Date: 8/23/2016

Vendor Number: 0800000607

<u>Invoice #</u>	<u>Document Text</u>	<u>Net Amount</u>
80340162802017	Local Sales and Use Tax	193,237.65

TOTALS THIS WARRANT

193,237.65



TREASURER OF STATE

Dennis Milligan
Treasurer

500 Woodlane Street, Suite 220
Little Rock, Arkansas 72201

Maumelle City Treasurer
550 Edgewood Drive, Suite 590
Maumelle, AR 72113-6907

County Sales and Use Tax Funds Distribution

For July, 2016

Effective Date: 8/25/2016

Pulaski County Sales and Use Tax

	<u>Rate</u>	<u>Population</u>	<u>Percentage</u>	<u>Amount Distributed</u>
Alexander City Treasurer	1.000	236		\$4,225.72
Cammack Village City Treasurer	1.000	768		\$13,751.49
Jacksonville City Treasurer	1.000	28,364		\$507,873.88
Little Rock City Treasurer	1.000	193,524		\$3,465,159.53
Maumelle City Treasurer	1.000	17,163		\$307,313.48
North Little Rock City Treasurer	1.000	62,304		\$1,115,589.28
Pulaski County Treasurer	1.000	48,752		\$872,932.85
Sherwood City Treasurer	1.000	29,523		\$528,626.45
Wrightsville City Treasurer	1.000	2,114		\$37,852.38
			Total	\$6,853,325.06

COUNTY Sales Tax Receipts as of 8/25/16

<u>COUNTY Sales Tax 2016</u>		<u>COUNTY Sales Tax 2015</u>		<u>COUNTY Sales Tax 2014</u>	
January	\$ 291,026.79	January	\$ 284,524.61	January	\$ 285,664.21
February	\$ 377,134.36	February	\$ 369,255.24	February	\$ 343,875.87
March	\$ 271,731.99	March	\$ 275,803.19	March	\$ 253,307.63
April	\$ 304,513.80	April	\$ 282,207.46	April	\$ 280,989.89
May	\$ 305,548.14	May	\$ 325,940.56	May	\$ 308,431.98
June	\$ 279,799.21	June	\$ 295,504.97	June	\$ 265,161.37
July	\$ 300,760.27	July	\$ 298,089.77	July	\$ 311,463.75
August	\$ 308,148.89	August	\$ 309,943.74	August	\$ 295,398.43
September		September	\$ 302,187.22	September	\$ 285,825.22
October		October	\$ 303,824.05	October	\$ 296,287.46
November		November	\$ 297,797.86	November	\$ 293,386.95
December		December	\$ 314,316.50	December	\$ 297,190.93
	<u>\$ 2,438,663.45</u>		<u>\$ 3,659,395.17</u>		<u>\$ 3,516,983.69</u>
<u>COUNTY Sales Tax 2013</u>		<u>COUNTY Sales Tax 2012</u>		<u>COUNTY Sales Tax 2011</u>	
January	\$ 274,912.01	January	\$ 268,668.22	January	\$ 176,944.14
February	\$ 336,987.13	February	\$ 351,268.58	February	\$ 338,596.28
March	\$ 267,731.52	March	\$ 263,673.17	March	\$ 252,353.59
April	\$ 286,460.07	April	\$ 286,941.78	April	\$ 263,424.65
May	\$ 287,261.20	May	\$ 303,641.16	May	\$ 293,083.54
June	\$ 285,986.44	June	\$ 282,248.68	June	\$ 285,294.87
July	\$ 293,878.70	July	\$ 294,806.80	July	\$ 271,871.00
August	\$ 294,289.60	August	\$ 300,682.03	August	\$ 294,236.47
September	\$ 281,267.01	September	\$ 263,570.85	September	\$ 285,701.98
October	\$ 288,464.56	October	\$ 286,864.46	October	\$ 277,877.41
November	\$ 285,529.62	November	\$ 288,870.38	November	\$ 301,706.88
December	\$ 296,557.30	December	\$ 294,572.68	December	\$ 276,834.03
	<u>\$ 3,479,325.16</u>		<u>\$ 3,485,808.79</u>		<u>\$ 3,317,924.84</u>
P:\ACCOUNT\Mary\Account Reconciliations\City & County Sales Tax\COUNTY sales tax					

Agency Name: TREASURER OF STATE
Address : 220 STATE CAPITOL BLDG
City,St Zip: LITTLE ROCK AR 72201

(501-682-5888)

Warrant Numb: 17DDA-0061077
Warrant Date: 8/23/2016
Payment Date: 8/23/2016

Vendor Number: 080000607

Invoice #	Document Text	Net Amount
80340213402017	Local Sales and Use Tax	307,313.48

TOTALS THIS WARRANT

307,313.48



TREASURER OF STATE

Dennis Milligan
Treasurer

500 Woodlane Street, Suite 220
Little Rock, Arkansas 72201

Maumelle City Treasurer
550 Edgewood Drive, Suite 590
Maumelle, AR 72113-6907

County Sales and Use Tax Funds Distribution

For July, 2016

Effective Date: 8/25/2016

Little Rock National AF Pulaski Co Sales and Use Tax

	<u>Rate</u>	<u>Population</u>	<u>Percentage</u>	<u>Amount Distributed</u>
Alexander City Treasurer	1.000	236		\$11.49
Cammack Village City Treasurer	1.000	768		\$37.38
Jacksonville City Treasurer	1.000	28,364		\$1,380.63
Little Rock City Treasurer	1.000	193,524		\$9,419.84
Maumelle City Treasurer	1.000	17,163		\$835.41
North Little Rock City Treasurer	1.000	62,304		\$3,032.67
Little Rock National Airport	1.000	48,752		\$2,373.02
Sherwood City Treasurer	1.000	29,523		\$1,437.04
Wrightsville City Treasurer	1.000	2,114		\$102.90
			Total	\$18,630.38

Agency Name: TREASURER OF STATE
Address : 220 STATE CAPITOL BLDG
City,St Zip: LITTLE ROCK AR 72201

(501-682-5888)

Warrant Numb: 17DDA-0061076
Warrant Date: 8/23/2016
Payment Date: 8/23/2016

Vendor Number: 080000607

<u>Invoice #</u>	<u>Document Text</u>	<u>Net Amount</u>
80340205582017	Local Sales and Use Tax	835.41

TOTALS THIS WARRANT

835.41

**Local Distribution by NAICS
August 2016
MAUMELLE**

3152	Cut and Sew Apparel Manufacturing	\$1,030.00	\$140.00	\$1,170.00	\$0.00	\$0.00
3222	Converted Paper Product Manufacturing	\$92.00	\$5,944.00	\$6,036.00	\$0.00	\$0.00
3231	Printing and Related Support Activities	\$214.07	\$149.98	\$364.05	\$0.00	-\$32.36
3256	Soap; Cleaning Compound; and Toilet Preparation Manufacturing	\$10.01	\$42.01	\$52.02	\$0.00	\$0.00
3262	Rubber Product Manufacturing	\$22.00	\$3.00	\$25.00	\$0.00	\$0.00
3273	Cement and Concrete Product Manufacturing	-\$2,954.00	\$6.00	-\$2,948.00	-\$3,428.00	\$0.00
3279	Other Nonmetallic Mineral Product Manufacturing	\$7.47	\$13.00	\$20.47	\$0.00	\$0.00
3333	Commercial and Service Industry Machinery Manufacturing	\$33.02	\$55.00	\$88.02	\$0.00	\$0.00
3339	Other General Purpose Machinery Manufacturing	\$29.00	\$10.00	\$39.00	\$0.00	\$0.00
3341	Computer and Peripheral Equipment Manufacturing	\$43.00	\$158.22	\$201.22	\$0.00	\$0.00
3342	Communications Equipment Manufacturing	\$4.00	\$17.00	\$21.00	\$0.00	\$0.00
3346	Manufacturing and Reproducing Magnetic and Optical Media	\$7.00	\$19.01	\$26.01	\$0.00	\$0.00
3352	Household Appliance Manufacturing	\$13.00	\$7.00	\$20.00	\$0.00	\$0.00
3391	Medical Equipment and Supplies Manufacturing	\$0.00	\$168.44	\$168.44	\$0.00	\$0.00
3399	Other Miscellaneous Manufacturing	\$18.00	\$63.00	\$81.00	\$0.00	\$0.00

**Local Distribution by NAICS
August 2016
MAUMELLE**

4213	Lumber and Other Construction Materials Wholesalers	\$695.00	\$0.00	\$695.00	\$0.00	\$0.00
4214	Professional and Commercial Equipment and Supplies Wholesalers	\$916.71	\$1,328.42	\$2,245.13	\$0.00	\$0.00
4216	Electrical Goods Wholesalers	\$4,328.06	\$3,155.00	\$7,483.06	\$0.00	\$0.00
4217	Hardware; and Plumbing and Heating Equipment and Supplies Wholesalers	\$482.74	\$101.00	\$583.74	\$0.00	\$0.00
4218	Machinery; Equipment; and Supplies Wholesalers	\$1,355.29	\$797.55	\$2,152.84	\$0.00	\$0.00
4219	Miscellaneous Durable Goods Wholesalers	\$223.65	\$50.01	\$273.66	\$0.00	\$0.00
4221	Paper and Paper Product Wholesalers	\$299.00	\$2,476.01	\$2,775.01	\$0.00	\$0.00
4224	Grocery and Related Product Wholesalers	\$205.82	\$28.00	\$233.82	\$0.00	\$0.00
4226	Chemical and Allied Products Wholesalers	\$229.39	\$460.00	\$689.39	\$0.00	\$0.00
4227	Petroleum and Petroleum Products Wholesalers	\$19.00	\$4.00	\$23.00	\$0.00	\$0.00
4229	Miscellaneous Nondurable Goods Wholesalers	\$44.00	\$25.00	\$69.00	\$0.00	\$0.00
4233	Lumber and Other Construction Materials Merchant Wholesalers	\$603.00	\$0.00	\$603.00	\$0.00	\$0.00
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers	\$278.00	\$309.94	\$587.94	\$0.00	\$0.00

**Local Distribution by NAICS
August 2016
MAUMELLE**

4236	Electrical and Electronic Goods Merchant Wholesalers	\$169.00	\$506.00	\$675.00	\$0.00	\$0.00
4237	Hardware; and Plumbing and Heating Equipment and Supplies Merchant Wholesalers	\$38.00	\$1.49	\$39.49	\$0.00	\$0.00
4238	Machinery; Equipment; and Supplies Merchant Wholesalers	\$120.99	\$21.00	\$141.99	\$0.00	\$0.00
4239	Miscellaneous Durable Goods Merchant Wholesalers	\$7.00	\$22.00	\$29.00	\$0.00	\$0.00
4242	Drugs and Druggists' Sundries Merchant Wholesalers	\$2.00	\$36.00	\$38.00	\$0.00	\$0.00
4243	Apparel; Piece Goods; and Notions Merchant Wholesalers	\$2.00	\$18.64	\$20.64	\$0.00	\$0.00
4244	Grocery and Related Product Merchant Wholesalers	\$584.00	\$12.00	\$596.00	\$0.00	\$0.00
4249	Miscellaneous Nondurable Goods Merchant Wholesalers	\$2.99	\$11.00	\$13.99	\$0.00	\$0.00
4411	Automobile Dealers	\$189.24	\$0.00	\$189.24	\$0.00	\$0.00
4412	Other Motor Vehicle Dealers	\$107.00	\$2.00	\$109.00	\$0.00	\$0.00
4413	Automotive Parts; Accessories; and Tire Stores	\$159.92	\$623.00	\$782.92	\$0.00	\$0.00
4421	Furniture Stores	\$2,094.46	\$107.00	\$2,201.46	\$0.00	\$0.00
4422	Home Furnishings Stores	\$1,415.73	\$37.00	\$1,452.73	\$0.00	\$0.00
4431	Electronics and Appliance Stores	\$3,654.18	\$4,211.01	\$7,865.19	\$0.00	\$0.00
4441	Building Material and Supplies Dealers	\$5,542.84	\$846.00	\$6,388.84	-\$26.87	\$0.00

**Local Distribution by NAICS
August 2016
MAUMELLE**

4442	Lawn and Garden Equipment and Supplies Stores	\$562.78	\$19.00	\$581.78	\$0.00	\$0.00
4451	Grocery Stores	\$29,167.00	\$107.00	\$29,274.00	\$0.00	\$0.00
4452	Specialty Food Stores	\$12.84	\$29.26	\$42.10	\$0.00	\$0.22
4461	Health and Personal Care Stores	\$2,981.82	\$613.20	\$3,595.02	-\$2.00	\$0.00
4471	Gasoline Stations	\$6,761.00	\$77.36	\$6,838.36	\$0.00	\$0.36
4481	Clothing Stores	\$134.65	\$861.74	\$996.39	\$0.00	\$0.00
4482	Shoe Stores	\$1.00	\$44.24	\$45.24	\$0.00	\$0.00
4483	Jewelry; Luggage; and Leather Goods Stores	\$3.00	\$139.42	\$142.42	\$0.00	\$0.00
4511	Sporting Goods; Hobby; and Musical Instrument Stores	\$356.26	\$109.00	\$465.26	\$0.00	\$0.00
4512	Book; Periodical; and Music Stores	\$3.02	\$11.00	\$14.02	\$0.00	\$0.00
4521	Department Stores	\$164.00	\$198.00	\$362.00	\$0.00	\$0.00
4529	Other General Merchandise Stores	\$1,680.00	\$983.01	\$2,663.01	-\$5.00	\$0.00
4532	Office Supplies; Stationery; and Gift Stores	\$756.66	\$290.87	\$1,047.53	\$0.00	\$17.71
4533	Used Merchandise Stores	\$35.00	\$0.00	\$35.00	\$0.00	\$0.00
4539	Other Miscellaneous Store Retailers	\$1,741.87	\$142.64	\$1,884.51	\$0.00	\$0.00
4541	Electronic Shopping and Mail-Order Houses	-\$8,950.79	\$4,294.88	-\$4,655.91	-\$9,331.00	\$0.00
4543	Direct Selling Establishments	\$415.62	\$186.08	\$601.70	\$0.00	\$0.00
4884	Support Activities for Road	\$71.54	\$0.00	\$71.54	\$0.00	\$0.00

**Local Distribution by NAICS
August 2016
MAUMELLE**

Transportation						
4931	Warehousing and Storage	\$123.00	\$5.00	\$128.00	\$0.00	\$0.00
5111	Newspaper; Periodical; Book; and Directory Publishers	\$0.01	\$2.01	\$2.02	\$0.00	\$0.00
5112	Software Publishers	\$0.00	\$37.00	\$37.00	\$0.00	\$0.00
5132	Cable Networks and Program Distribution	\$0.00	\$14.00	\$14.00	\$0.00	\$0.00
5133	Telecommunications	\$11,257.00	\$6.00	\$11,263.00	\$0.00	\$0.00
5142	Data Processing Services	\$26.00	\$6.00	\$32.00	\$0.00	\$0.00
5171	Wired Telecommunications Carriers	\$870.00	\$12.00	\$882.00	\$0.00	\$0.00
5172	Wireless Telecommunications Carriers (except Satellite)	\$2,625.00	\$3.00	\$2,628.00	\$0.00	\$0.00
5179	Other Telecommunications	\$221.00	\$0.00	\$221.00	\$0.00	\$0.00
5221	Depository Credit Intermediation	\$17.00	\$4.00	\$21.00	\$0.00	\$0.00
5222	Nondepository Credit Intermediation	\$157.00	\$54.00	\$211.00	\$0.00	\$0.00
5241	Insurance Carriers	\$191.00	\$25.25	\$216.25	\$0.00	\$0.00
5242	Agencies; Brokerages; and Other Insurance Related Activities	\$1.00	\$325.00	\$326.00	\$0.00	\$0.00
5311	Lessors of Real Estate	\$2.00	\$4.00	\$6.00	\$0.00	\$0.00
5321	Automotive Equipment Rental and Leasing	\$1,222.88	\$12.54	\$1,235.42	\$0.00	\$0.00
5322	Consumer Goods Rental	\$1,264.57	\$202.13	\$1,466.70	\$0.00	\$0.37
5324	Commercial and Industrial Machinery	\$1,085.15	\$81.33	\$1,166.48	\$0.00	\$0.00

**Local Distribution by NAICS
August 2016
MAUMELLE**

	and Equipment Rental and Leasing					
5414	Specialized Design Services	\$50.15	\$602.99	\$653.14	\$0.00	\$0.00
5415	Computer Systems Design and Related Services	\$7.00	\$118.29	\$125.29	\$0.00	\$0.00
5416	Management; Scientific; and Technical Consulting Services	\$74.56	\$0.03	\$74.59	\$0.00	\$0.00
5418	Advertising; Public Relations; and Related Services	\$165.00	\$38.00	\$203.00	\$0.00	\$0.00
5419	Other Professional; Scientific; and Technical Services	\$84.00	\$46.00	\$130.00	\$0.00	\$0.00
5614	Business Support Services	\$6.39	\$18.00	\$24.39	\$0.00	\$0.00
5616	Investigation and Security Services	\$951.38	\$31.07	\$982.45	\$0.00	\$0.00
5617	Services to Buildings and Dwellings	\$3,495.25	\$1.00	\$3,496.25	\$0.00	\$0.00
5621	Waste Collection	\$158.83	\$1.00	\$159.83	\$0.00	\$0.00
5629	Remediation and Other Waste Management Services	\$3,269.17	\$18.00	\$3,287.17	\$0.00	\$0.00
7139	Other Amusement and Recreation Industries	\$1,563.00	\$0.08	\$1,563.08	\$0.00	\$0.00
7211	Traveler Accommodation	\$4,169.97	\$0.00	\$4,169.97	\$0.00	\$0.00
7221	Full-Service Restaurants	\$16,972.13	\$4.00	\$16,976.13	\$0.00	\$0.00
7222	Limited-Service Eating Places	\$1,262.86	\$0.00	\$1,262.86	\$0.00	\$0.00
7223	Special Food Services	\$76.00	\$0.00	\$76.00	\$0.00	\$0.00
7225	Food Services and Drinking Places; Unknown Subclassification	\$2,987.00	\$32.00	\$3,019.00	\$0.00	\$0.00

**Local Distribution by NAICS
August 2016
MAUMELLE**

8111	Automotive Repair and Maintenance	\$2,016.07	\$5.00	\$2,021.07	\$0.00	\$0.00
8112	Electronic and Precision Equipment Repair and Maintenance	\$34.11	\$40.00	\$74.11	\$0.00	\$0.00
8113	Commercial and Industrial Machinery and Equipment (except Automotive and Electronic) Repair and Maintenance	\$149.95	\$0.00	\$149.95	\$0.00	\$0.00
8114	Personal and Household Goods Repair and Maintenance	\$271.08	\$1.00	\$272.08	\$0.00	\$0.00
8123	Drycleaning and Laundry Services	\$964.00	\$1,127.00	\$2,091.00	\$0.00	\$0.00
8129	Other Personal Services	\$417.00	\$33.00	\$450.00	\$0.00	\$0.00
Other	NAICS with Less Than 3 Businesses	\$29,304.79	\$5,144.57	\$34,449.36	-\$48.33	\$1.72
	Automobile	\$5,050.49	\$574.00	\$5,624.49	\$0.00	\$0.00
	Wholesale Vending and Other Unidentified Receipts	\$29.10	\$0.00	\$29.10	\$0.00	\$0.00
TOTALS		\$157,018.93	\$41,974.19	\$198,993.12	-\$15,645.05	-\$11.98



053003 091012

ALCOHOLIC BEVERAGE CONTROL DIVISION
COMMENTS OF PUBLIC OFFICIALS

APPLICANT'S NAME: JUDY C. WALLER-BREECE

TYPE OF APPLICATION: Restaurant Mixed Drink - NEW

BUSINESS NAME: U.S. PIZZA COMPANY

BUSINESS ADDRESS: 109 Commons, Maumelle, AR, 72113

DATE OF APPLICATION: 08/11/2016

NAME OF PUBLIC OFFICIAL: MICHAEL WATSON

TITLE OF OFFICIAL: Mayor of MAUMELLE

OFFICIAL MAILING ADDRESS: 550 EDGEWOOD DRIVE, SUITE 590
MAUMELLE, AR 72113

PHONE: (501) 851-2500

SIGNATURE OF OFFICIAL: *Michael Watson* DATE: 8/19/16

NAME OF AGENCY OR COURT: CITY OF MAUMELLE

Do you have any objections to the issuance of this permit? No
(Yes or No)

If yes, please explain your objections below:

To ensure your comments are available at the time this application is considered by the Director, please complete and return this form to ABC Administration, 1515 West 7th Street, Suite 503, Little Rock, AR 72201, within fifteen (15) days of receipt. In compliance with the Freedom of Information Act, this Comment Form will become a matter of public record. Pursuant to ACA 3-2-103, a national fingerprint based background check will be, or has been, conducted. At ACICs request, do not run your own criminal history check through ACIC.

ASSIGNMENT

D6J003-D6L013



Date Received: 08/11/2016

Date Assigned: 08/12/2016

Applicant: JUDY C. WALLER-BREECE

D.O.B: 08/25/1947

Green Card Number (Permanent Resident Alien):

Home Address: 200 Ridgeway, Little Rock, AR, 72205

Home Phone: 501-280-0393 **Business Phone :** 501-280-0399 **Cell Phone:** 501-539-3501

Trade Name: U.S. PIZZA COMPANY

Former Trade Name:

Business Address : 109 Commons, Maumelle

County Pulaski

Type Of Investigation: Restaurant Mixed Drink - NEW

Dancing, if requested:

Comments / Remarks :

Copies Of Assignment and Comment Form Mailed to: Mayor Michael Watson & City Council

Sam Williams, Chief of Police

Doc Holladay, Sheriff

Larry Jegley, Prosecuting Attorney

Assigned to Investigator: _____

Stockholders / Partners / LLC Members:

Handwritten: Sent 8-12-14



STATE OF ARKANSAS
ALCOHOLIC BEVERAGE CONTROL DIVISION

APPLICATION FOR PERMIT TO SELL ALCOHOLIC BEVERAGES FOR
CONSUMPTION ON THE PREMISES

Check One: () Hotel-Motel
 Restaurant Only

New Application
Replacement Permit No. 04239

I, or we, do hereby make application to the State of Arkansas for a permit to sell alcoholic beverages for consumption on the premises, and do hereby submit answers to the following questions under oath for your approval.

U.S. Pizza Company Inc. FEIN# 71-0661909
Corporate/Partnership/LLC Name

NAME Indy C. Waller
First Middle Last

HOME ADDRESS 200 Ridgeway Little Rock 72205 Pulaski
Street City Zip County

BUSINESS NAME U.S. Pizza Company FORMER NAME _____

BUSINESS ADDRESS 109 Commons Maumelle 72113 Pulaski
Street City Zip County

Is proposed location inside or outside city limits? Inside

Are the beverages to be sold in connection with any other business? yes If so, state type of business
Restaurant

Are you the owner of the proposed premises? yes If leased, give name and address of owner
_____ Does

anyone now hold a permit at this location? no If so, give name, type and permit number(s) of same

Do you or any other person interested in this permit hold any other type of alcoholic beverage permit? yes
If so, give name, place and permit number(s) attached list

Number of sleeping rooms in hotel _____ Seating capacity of restaurant 200
(NOTE: Seating capacity should also include any lounge or outside seating areas)

(CHECK MEALS SERVED: Breakfast Lunch Dinner Number of days open per week 7

Has there ever been a beer, wine or liquor permit revoked at this location? no If so, give name and date
revoked _____



DESCRIPTION OF BUSINESS AND ENTERTAINMENT ACTIVITIES

For all ON PREMISES permits - except private clubs

D&J003-D&L014

NAME OF OUTLET U.S. Pizza Co.

CITY Maumelle COUNTY Pulaski

Under the Section 1.34 of the ABC Regulations, any permit issued by this agency is valid only for the uses described in the original application. Any material change in the outlet's operations or entertainment other than originally listed in this application, *without prior approval of the Director*, shall be grounds for revocation of the permit or other administrative penalties.

Describe the types of business and entertainment activities (cafe / restaurant, pool hall, dancing, etc.) to occur on your permitted premises on the lines below. Use the back of this form if necessary.

If live entertainment is proposed, you must be specific as to the type and description of entertainment, i.e., live bands, dancers, etc.

Restaurant serving pizza, salads, and sandwiches

Multiple horizontal lines for additional text entry.



Mayor Michael Watson
550 Edgewood Dr., Suite 590
Maumelle, AR 72113

Aug. 26, 2016

Mayor Watson,

Please see the enclosed mid-year report for Maumelle, intended to brief our city elected officials and community leaders regarding Rock Region METRO performance and recent updates.

As you will see, the agency continues to make as many investments to improve the passenger experience as possible within the constraints of its current funding structure. I hope as you review the information regarding top stops in your area that you will get a better sense of how riders are using our system every day to access local jobs, educational pursuits, health care appointments, shopping centers and more.

Fall and winter will be a busy time at METRO. As I write this letter, the agency is in the middle of its annual service enhancements process, with a plan to implement approved enhancements in October. We also plan to celebrate our 30th anniversary as an agency this fall and are looking forward to working with studioMAIN and the Little Rock Regional Chamber Create Little Rock group for the annual Pop Up in the Rock event, which will be at our River Cities Travel Center (our main bus transfer station) in October.

We invite you to be involved in these events and appreciate your leadership in supporting essential mobility options for area residents. As always, we welcome the opportunity to discuss any of your ideas, questions and concerns; feel free to contact me at 501-324-1447 or jvarner@rrmetro.org.

Sincerely,

Jarod Varner
Executive Director, Rock Region METRO



Pulaski County

BARRY HYDE
COUNTY JUDGE / CHIEF EXECUTIVE OFFICER

August 12, 2016

Michael Watson
550 Edgewood, Suite 590
Maumelle, AR 72113

Dear Mayor Watson,

I am excited to announce the 10th Anniversary of the Big Dam Bridge! You are invited to join us for a "Celebration of the Bridge and a Vision of the Future" on Thursday, September 8, 2016 at 10 a.m. The event will take place on the Little Rock Side of the bridge and will highlight the economic impact of the bridge as well as the positive impact on Central Arkansas tourism.

Event speakers will include Little Rock Mayor Mark Stodola; Gretchen Hall, Little Rock Convention and Visitors Bureau; Bob Major, North Little Rock Convention and Visitors Bureau; Dr. Randy Hathaway, U.S. Army Corps of Engineers; and Mason Ellis, Bicycle Advocacy of Central Arkansas.

The program will be followed by a commemorative ride across the bridge. We are appreciative to Garver USA who provided water bottles with the 10-year anniversary logo as giveaways.

I appreciate your continued support and ask that you help spread the word about this event by sharing photos of the bridge on Facebook or Twitter #pulaskicounty. Your memories and stories will demonstrate how significant and beneficial the Big Dam Bridge is to our community.

I look forward to seeing you there!

Sincerely,

Barry Hyde
County Judge/Chief Executive Officer



OFFICE OF THE CITY ATTORNEY

September 1, 2016

Maumelle City Council
For Inclusion in City Council Packet

RE: Legal Update: Abstentions & Conflicts of Interest

Dear City Council:

At this time, it may prove beneficial for me to give a refresher on abstentions and conflicts of interest. This letter is not in response to a specific instance or violation, but is rather designed to be informative at a time where it may be relevant.

Abstentions and conflicts of interest are governed by federal, state, and local law. Section 2-35(d) of the Maumelle City Code states that an alderman may abstain from voting *if he has not participated in the preceding discussion* of the question and if that alderman *briefly states the reason for the abstention prior to any discussion*. As such, an alderman should not participate in discussions if a conflict of interest exists.

In some instances, it is comparatively easy to determine if a conflict of interest exists. For example, an alderman with a direct or indirect financial or personal interest in any item before the city council is prohibited from voting on and even discussing such matters. M.C.C. §2-35(c). In other cases, however, the determination of a conflict of interest may be less obvious.

On the issue of conflicts of interest, the Arkansas Municipal League's publication *Municipal Law in Arkansas: Questions and Answers* (May 2016), which is attached, states that

an alderman should abstain from voting where his or her public duty conflicts with his or her personal interests (*Van Hovenberg v Holeman*, 201 Ark. 370, 144 S.W.2d 718 (1940); Ark. Atty. Gen. Op. No. 2000-278). For example, an alderman should not vote on personnel matters involving the alderman's spouse. Not every issue affecting an alderman's family member will require that he or she abstain, however. For example, a council member may vote on issues pertaining to the fire department, notwithstanding that an immediate family member works for the department (Ark. Atty. Gen. Op. No. 95-099).

Whether or not the council member has a conflict of interest in a particular case will depend on the facts. For example, is there a financial benefit to the council member? Does the council member's loyalty to a [friend or] family member outweigh his sense of duty to the public? These are questions that will have to be considered on a case-by-case basis.



The analysis on whether an abstention is proper extends beyond whether an actual conflict of interest exists. It is also important to look at any appearances of impropriety. Section 2-31(a) of the Maumelle City Code states that because members of the city council occupy positions of public trust, all business transactions dealing directly or indirectly with public funds must be subject to the scrutiny of public opinion in *both the legality and propriety* of such transactions. *McQuillin*, a treatise on the law of municipal corporations, eloquently says that

Public confidence requires that municipal officials avoid conflicting interests that convey the perception that a personal rather than the public interest might affect decision-making on matters of concern. Officials must be free of even the potential for entangling interests that will erode public trust in government actions. Thus, it is the potential for conflict, rather than proof of an actual conflict or of actual dishonesty, that commands a public official to disqualify himself from acting on a matter of public interest. 3 *McQuillin Mun. Corp.* § 12:173.22 (3d ed.).

At the end of the day, the determination of a conflict of interest can only be made on a case-by-case basis after considering all the factors. The decision to abstain should be made by the alderman with the potential conflict of interest as there is no procedure that allows other officials or the City Council to force an alderman to abstain on a particular matter. None the less, I am available to answer any legal questions that you may have.

Sincerely,

Caleb Norris
City Attorney

Elected and Appointed Officials

Recorders and Treasurers

Q: Who is the recorder-treasurer's supervisor?

A: The recorder-treasurer is an elected official and therefore is not supervised in the same sense as an employee. However, the council may prescribe additional duties (A.C.A. § 14-44-109). The recorder-treasurer should in general perform his or her duties in cooperation with other elected officials.

Q: May the treasurer's duties be assigned to someone else?

A: The duties of the treasurer found in the Municipal Accounting Law (A.C.A. §§ 14-59-101 through 118) may be assigned to another employee or contractor if (1) the treasurer requests the reassignment or (2) the treasurer fails to perform those duties (A.C.A. § 14-59-115). Note, however, that the law forbids contracting out the collecting of funds. On the other hand, the law's previous prohibition on disbursing funds by a non-employee of the municipality was amended by Act 582 of 2015 (amending A.C.A. 14-59-115). The law now states that "the governing body of a municipality may assign or contract with a private, qualified person or entity for the duties relating to the disbursing of funds for payroll, bonded debt, or construction projects funded with bond proceeds."

Nevertheless, the law places significant limitations on allowing a non-employee to disburse funds. Act 582 states, "[b]efore the governing body of a municipality assigns or contracts with a person or entity for the disbursing of funds, the governing body of a municipality shall establish by ordinance a method that provides for internal accounting controls and documentation for audit and accounting purposes." The Act further provides, "[t]he municipal treasurer shall approve the disbursement of funds before the private, qualified person or entity disburses the funds." Moreover, "[t]he governing body of a municipality shall ensure that the person or entity is adequately insured and bonded and conforms to best practices and standards in the industry."

Conflicts of Interest and Multiple-Office Holding

Q: Is there a conflict of interest if a mayor or alderman is married to another council member or a city employee?

A: Arkansas has no laws prohibiting a mayor or council member from serving on the same governing body. However, marriage to a city employee might implicate A.C.A. § 14-42-107(b), which forbids officials and employees from having an interest, either direct or

indirect, in the profits of a contract with the city. The Arkansas Supreme Court has ruled that employment by the city constitutes a contract for purposes of the statute (*Thompson v. Roberts*, 333 Ark. 544, 970 S.W.2d 239 (1998)). See also Ark. Op. Atty. Gen. No. 2014-104 (discussing spouse contracting with city and concluding that "in most cases the spouses' financial affairs will in all likelihood be such that a court apprised of all relevant facts would conclude that such an interest exists"). Note, however, that the statute permits the city council to enact an ordinance permitting an interest in a contract and prescribing the extent of this authority.

In addition, the law prohibits a public official from using or disclosing confidential information for the benefit of the official or his or her family members (A.C.A. § 21-8-801).

Finally, an alderman should abstain from voting where his or her public duty conflicts with his or her personal interests (*Van Hovenberg v Holeman*, 201 Ark. 370, 144 S.W.2d 718 (1940); Ark. Atty. Gen. Op. No. 2000-278). For example, an alderman should not vote on personnel matters involving the alderman's spouse. Not every issue affecting an alderman's family member will require that he or she abstain, however. For example, a council member may vote on issues pertaining to the fire department, notwithstanding that an immediate family member works for the department (Ark. Atty. Gen. Op. No. 95-099).

Whether or not the council member has a conflict of interest in a particular case will depend on the facts. For example, is there a financial benefit to the council member? Does the council member's loyalty to a family member outweigh his sense of duty to the public? These are questions that will have to be considered on a case-by-case basis.

Q: Does a conflict of interest exist if the mayor or an alderman works at the bank where the city's money is deposited?

A: As discussed above, A.C.A. § 14-42-107(b) provides that no alderman, official, or municipal employee may have an interest, directly or indirectly, in the profits of any contract with the city. Banking services would undoubtedly fall into this category (Ark. Atty. Gen. Op. No. 2000-276). There are two exceptions: (1) The city may pass an ordinance permitting aldermen, officials, or employees to conduct business with the city and prescribing the extent of this authority, and (2) the law does not apply to a business in which the alderman, official or employee does not hold an executive or managerial office or to a corporation in which a controlling interest is held by stockholders who are not aldermen or council members. (Note that

in *Thompson v. Roberts*, 333 Ark. 544, 970 S.W.2d 239 (1998), the Arkansas Supreme Court held that the reference to aldermen in 14-42-107 applies to mayors.)

Q: May an elected city official be appointed to another municipal office?

A: During the term for which he or she is elected, no elected city official may be appointed to any municipal office except to fill a vacancy in the office of mayor, alderman, clerk, clerk-treasurer, recorder, or recorder-treasurer (A.C.A. § 14-42-107(a)). The Attorney General has opined that A.C.A. § 14-42-107 prohibits an elected city official from serving as the fire chief, municipal waterworks superintendent, or city inspector (Atty. Gen. Op. Nos. 95-178, 94-389, 93-177). In some instances, however, the courts have approved the assigning of additional job duties so that the official is effectively performing only one job rather than holding two positions with different duties (*Kindricks v. Machin*, 135 Ark. 459, 205 S.W. 815 (1918)). Consult with a your city attorney or legal advisor if you are considering this type of action.

Q: Is there a conflict of interest if a city official offers to provide a service to the city at no charge?

A: No, as long as there is no benefit, direct or indirect, that flows to the city official as a result and that would form a contract. Note that not all contracts are in writing, so check with your legal adviser if this type of situation arises. See A.C.A. § 14-42-107(b).

Q: May a city official be employed by the city in another capacity?

A: Generally speaking no, with a possible exception. A.C.A. § 14-42-107(b) prohibits any city official from having an interest in a contract with the city, which the Arkansas Supreme Court has ruled includes employment (*Thompson v. Roberts*, 333 Ark. 544, 970 S.W.2d 239 (1998)). However, the statute does allow the council to authorize contracting by a city official by passing an ordinance setting for the extent of authority allowed.

Thus an employee of the city cannot hold a city office unless the council has passed an ordinance authorizing the officer to also hold city employment. (Generally speaking, the legal staff of the Municipal League does not recommend that cities do this, given the conflicts that are likely to arise from this type of dual service). Volunteer firefighters and police officers may serve on the council pursuant to A.C.A. § 14-42-108, however.

Q: Does A.C.A. 14-42-107(b) prohibit a mayor or other official from receiving a "vehicle allowance?"

A: A.C.A. § 14-42-107 states that an official may not have an interest in the "profits from a contract" with the city without an authorizing ordinance. If by "vehicle allowance" the official is merely being compensated for the use of a personal vehicle in order to reimburse for normal maintenance, fuel, depreciation, and similar costs, then this should not be considered "profit from a contract" and no ordinance would be necessary. If, however, the amount of the "allowance" was significantly more than those costs, then it is possible that a court might find that does in fact constitute "profit." As with any municipal expense, the allowance should be appropriated by the council through the city budget. A better practice would be to reimburse for actual mileage that is documented in place of paying a flat fee. Note: this reply does not address any potential state or federal income tax consequences. The point here is simply that reimbursement of legitimate expenses incurred for a valid public purpose would not violate the prohibition on an official holding an interest in a contract with the city.

Q: Does A.C.A. § 14-42-107(b) prohibit city employees from holding an interest in a contract other than their employment?

A: Yes. However, the city council may waive the conflict by ordinance detailing the limits of the authority granted.

Q: Can a state legislator hold a municipal office, or for that matter, any other civil office?

A: No. Article 5, Section 10 of the Arkansas Constitution states: "No Senator or Representative shall, during the term for which he shall have been elected, be appointed or elected to any civil office under this State." (See also *Collins v. McClendon*, 177 Ark. 44, 5 S.W.2d 734 (1928); *Wood v. Miller*, 154 Ark. 318, 242 S.W. 573 (1922).)

Q: May a municipal official hold another elected office in another government?

A: Generally, yes, with the exception noted above that state legislators cannot hold other elected office.

In addition, the law provides that "No person shall simultaneously hold office and serve as an elected county justice of the peace and hold office and serve as an elected city council member" (A.C.A. § 14-14-1202(c)(3)(A)).



OFFICE OF THE CITY ATTORNEY

September 1, 2016

Maumelle City Council
For Inclusion in City Council Packet

RE: City Clerk/Treasurer Retirement

Dear City Council:

There have been questions as to whether former City Clerk/Treasurer Joshua Clausen will be eligible for retirement benefits, when he will be eligible, and whether those benefits are optional. This letter will address those concerns.

A city clerk's pension is governed by state law and is not optional. Arkansas Code Annotated § 24-12-121(see attached) states that a city clerk/treasurer may retire after ten years, upon reaching sixty years of age, and *shall* be paid a monthly sum equal to one-half of the monthly salary he or she received during the last preceding year of service. Here, the word "shall" mandates the retirement payments. In an opinion to former State Representative Dean Elliott, the Arkansas Attorney General opined that the pension is vested after ten years of service and the city clerk is entitled to the pension when he or she turns sixty. (Ark. Op. Atty. Gen. No. 2000-310, attached.)

Joshua Clausen served as city clerk for over ten years. He held office from December 14, 2005, to August 31, 2016. He will turn sixty years of age in or about July 2037. Accordingly, the City will begin retirement payments to Mr. Clausen in or about July 2037. At the time Mr. Clausen's tenure ended, he was paid an annual salary of \$57,120.00, which is \$4760.00 a month, as set by Ordinance No. 863. Therefore, in July 2037, he will be entitled to receive a monthly sum of \$2380.00.

Sincerely,

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

Caleb Norris
City Attorney

West's Arkansas Code Annotated

Title 24. Retirement and Pensions

Chapter 12. Local Officers and Employees--Miscellaneous Provisions

Subchapter 1. General Provisions

A.C.A. § 24-12-121

§ 24-12-121. City court clerks

Effective: July 31, 2007

Currentness

(a)(1) A city clerk or clerk-treasurer in a city of the first class may retire from office for the remainder of his or her life at the retirement pay provided in this section if the person has served as city clerk, clerk-treasurer, or city treasurer for:

(A) Not less than ten (10) years, upon reaching sixty (60) years of age; or

(B) Twenty (20) years, without regard to age.

(2) On January 1 of each year, if a retiree under this section has been retired for at least twelve (12) full months, up to a three percent (3%) cost-of-living increase will be added.

(3) Subdivision (a)(2) of this section applies only if approved by the governing body of the city.

(b)(1) Any city clerk, city treasurer, or any person serving as city clerk or clerk-treasurer who shall retire or be succeeded by another city clerk or clerk-treasurer within the provisions of this section shall be paid monthly a sum equal to one-half ($\frac{1}{2}$) of the monthly salary received by him or her during the last preceding year of his or her service.

(2) The retirement pay shall be paid by the city from its general fund account.

(c)(1) Any city clerk or clerk-treasurer in a city of the first class who has served in another capacity with the same city, and that capacity of service also provides for a retirement plan, may apply all years served in that previous capacity toward the accrual of the vesting period provided for in subsection (a) of this section, if approved by the city council.

(2) Benefits shall be paid proportionally from the various funds applicable to the respective capacities of service. This shall be based on the length of service in each capacity for the city.

(d)(1) Upon the death of any city clerk or clerk-treasurer who retired under the provisions of subsection (a) of this section or any other state statute or any city clerk or clerk-treasurer who dies in office after becoming eligible to retire under subsection (a) of this section or any other state statute, the legally recognized spouse of the city clerk or clerk-treasurer married to the city clerk or clerk-treasurer ten (10) years or longer may receive, at the option of the governing body of

the city, one-half (1/2) of the retirement benefit the retired city clerk or clerk-treasurer was receiving or one-half (1/2) of the retirement benefit the city clerk or clerk-treasurer who died in office was entitled to receive.

(2) Upon remarriage of the spouse, the benefits shall cease.

Credits

Acts of 1957, Act 313, §§ 1, 2; Acts of 1971, Act 356, §§ 1, 2; Acts of 1987, Act 117, § 1; Acts of 1993, Act 1103, § 1; Acts of 2007, Act 158, § 1, eff. July 31, 2007; Acts of 2007, Act 293, § 1, eff. July 31, 2007.

Formerly A.S.A. 1947, §§ 19-1031, 19-1032.

A.C.A. § 24-12-121, AR ST § 24-12-121

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.

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Ark. Op. Atty. Gen. No. 2000-310 (Ark.A.G.), 2000 WL 1923482

Office of the Attorney General

State of Arkansas
Opinion No. 2000-310
December 8, 2000

*1 The Honorable Dean Elliott
State Representative
136 Apple Blossom Loop
Maumelle, Arkansas 72113-6031

Dear Representative Elliott:

This is in response to your request for an opinion on three questions concerning the retirement benefits of a city clerk. Specifically, your three questions are as follows:

1. If a City Clerk, after serving 10 or more years at that position, retires before age 60 will she be able to receive retirement benefits as stated in A.C.A. § 24-12-121?
2. Must the City Clerk be age 60 upon retirement to receive the previously mentioned benefits?
3. If the answer to the previous question is no, under what conditions may a City Clerk retire and receive benefits?

RESPONSE

In my opinion the answer to your first question is “yes,” but only when she reaches the age of 60. The answer to your second question is technically “no,” she need not be age sixty “upon retirement,” she simply must be age sixty before she begins to draw the benefits. In response to your third question, the city clerk may “retire” with 10 years of service at any age, but will only be allowed to begin receiving the benefits upon reaching age sixty.

Question 1--If a City Clerk, after serving 10 or more years at that position, retires before age 60 will she be able to receive retirement benefits as stated in A.C.A. § 24-12-121?

The relevant statute, A.C.A. § 24-12-121, provides in relevant part as follows:

(a) Any city clerk or clerk-treasurer in a city of the first class who shall have served as city clerk, clerk-treasurer, and city treasurer for a period of not less than ten (10) years, upon reaching the age of sixty (60) years, or who shall serve twenty (20) years without regard to age, shall be entitled to retire from office for the remainder of his or her life at the retirement pay provided for in this section.

In my opinion this statute is properly interpreted to mean that the city clerk may terminate her service as clerk after 10 years of service and be “vested,” that is, entitled to eventually receive retirement benefits for such service upon reaching age sixty. In response to your first question, therefore, she will be “able to receive retirement benefits as stated in A.C.A. § 24-12-121,” but she must wait until she is sixty years old to begin receiving them.

Question 2--Must the City Clerk be age 60 upon retirement to receive the previously mentioned benefits?