

**MINUTES  
HYBRID MEETING  
CITY COUNCIL  
CITY OF MAUMELLE  
APRIL 19, 2021  
6:00 PM  
CITY HALL**

Mayor Norris called the meeting to order at 6:00 p.m. with seven Council Members present. Council Member Saunders attended virtually.

Clerk Timmons gave the Invocation and led the Pledge of Allegiance.

**SPECIAL GUEST AND ANNOUNCEMENTS**

Mayor Norris named Kim White the September 2020 Employee of the Month and declared April 20, 2021 as Kim White Day in the City of Maumelle. White works at the Maumelle Center on the Lake as Volunteer Coordinator. Kim goes the extra mile to assist wherever needed.

The Director of Senior Services, Nicole Vogler and Kim White briefly spoke about Volunteer Week. Senior Services is hosting a community wide food drive, floral arrangement delivery for the sick and shut in, and an ice cream social to thank all volunteers. White says some suggested foods are peanut butter, peanut butter and crackers, cereal, tuna, ramen noodles, and soup.

Justice of the Peace Paul Elliot could not make it. His presentation is postponed.

**APPROVAL OF MINUTES- APRIL 5, 2021**

Council Member Tierney motioned to accept the minutes as submitted. Council Member Williams seconded the motion, and the motion passed by all in attendance.

**FINANCIAL STATEMENT REVIEW**

Director of Finance, Liz Mathis reported on the March 2021 General Fund Revenues, General Fund Expenses, General Fund Balance, Street Fund Revenue and Expenditures, and the Sanitation Fund Revenue and Expenditures. Mathis also gave a department update in pertaining to the 2018, 2019, and 2020 financial audits. These three audits are set to be completed this year.

Council Member Holt made a motion to accept the March 2021 financials. Council Member Tierney seconded the motion, the motion passed by all in attendance.

**PROCEDURAL MOTION**

Council Member Tierney made a motion to have all ordinance and resolutions read by title only. Council Member Shinn seconded the motion, and the motion passed by all in attendance.

**ORDINANCE 1025- AMENDING MAUMELLE LAND USE PLAN**

With no objections, Mayor Norris called the third reading of Ordinance 1025 amending the Maumelle land use plan and map and for other purposes". The City Clerk gave the reading.

Mark Redder with Holloway Engineering, spoke about the development being a great addition to Maumelle and the perfect transitional residence for individuals over 50 years of age.

Ron Harris, 6309 South Wind Drive, reported on local income, taxes, and jobs that could be generated with the new development.

Attorney Krebs stated with land use amendments, if voting for a change one needs to articulate reasoning.

Council Member Mazzoni spoke about the impact of commercial land and how the city has limited commercial land and that we should be cautious about rezoning.

Gene Pfeifer, the property owner, stated that since the old Kroger moved, it killed any possibility of any commercial activity. Pfeiffer implored the Council to change any expectation on how the property would be used.

Council Member Holt spoke about the property being a compliment to the city, and the issue of traffic.

Mayor Norris stated that this ordinance changes the zoning to PRD.

Council Member Mosley sympathized with the land owner because the land has been idle a long time. Mosley stated that he will vote no because he wants to keep commercial aspects available. Mosley asked about the density of the project.

Director of Planning and Permits, Scott Grummer, stated that the original proposal was C-3, the commission had a concern about having a warehouse adjacent to the property. The resubmitted proposal would provide better transition and a buffer for noise.

Council Member Williams stated that any revenue is better than no revenue.

Mayor Norris spoke about increasing commercial property. Mayor Norris said some businesses are choosing locations based on heat maps. Mayor Norris also wanted to clarify that property located on the east side of I-40 is not annexed in the City of Maumelle.

Council Member Tierney stated that the property has been stagnant for a considerable amount of time and that he supports a change.

Council Member Mosley expressed that according to the Maumelle Forward residential growth is a net financial drag.

Mayor Norris followed up with saying if the study from Maumelle Forward does not take into consideration the revenue of the local commercial properties, this can skew the results.

Council Member Shinn said we should revisit what it should be versus what it was going to be.

Director of Community and Economic Development, Judy Keller, spoke about working for years to locate commercial business there. Businesses say that they do not want to be far from the center and that it far from the traffic.

Scott Grummer talked about the efficiency of development in the city. Single family residences can be quite expensive and the cost to the city can be higher. With more dense, multifamily homes it decreases the cost to the city. Grummer said that his initial opinion was a do not pass. After, working with the owner and developer, Grummer's personal opinion has changed.

Council Member Gardner made a motion to adopt Ordinance 1025. Council Member Gardner's reasoning to amend was because the dynamic of the city has shifted in terms of where commercial business is going. Council Member Tierney seconded the motion. The motion passed. Council Members Holt, Shinn, Saunders, Tierney, Williams, and Gardner voted yes. Council Members Mosley and Mazzoni voted no.

#### **ORDINANCE 1026- AMENDING MAUMELLE ZONING MAP**

With no objections, Mayor Norris called the third reading of Ordinance 1026 amending the Maumelle zoning map and for other purposes". The City Clerk gave the reading.

Council Member Gardner made a motion to adopt Ordinance 1026. Council Member Williams seconded the motion, the motion passed.

Council Member Saunders, Mazzoni, Gardner, Williams, Tierney, Shinn, and Holt voted yes. Council Member Mosley voted no.

#### **ORDINANCE 1027- ENACTING SUPPLEMENTAL PROVISIONS OF CITY CODE**

With no objections, Mayor Norris called the third reading of Ordinance 1027 amending the adopting and enacting supplement provision of the city code for the City of Maumelle, Arkansas; providing for the repeal of certain ordinances not included therein providing for the manner of amending such code; and providing when such code and this ordinance shall become effective. The City Clerk gave the reading.

Council Member Williams motioned to adopt Ordinance 1027. Council Member Saunders seconded the motion, the motioned passed unanimously.

#### **ORDINANCE 1028- AMENDING MAUMELLE ZONING MAP**

With no objections, Mayor Norris called the second reading of Ordinance 1028, an ordinance amending the Maumelle zoning map and for other purposes. The City Clerk gave the reading.

Council Member Mosley asked Scott Grummer if C-2 allows high density housing.

Scott Grummer confirmed that it does allow it by right, and there can be a mix of commercial and residential.

Council Member Mosely asked if we are looking at traffic flow.

Scott Grummer stated that traffic studies are looked at when there could be a major impact in areas. Grummer relayed that because of the size of the street and proximity to the Blvd. traffic would not be majorly affected.

Attorney Krebs spoke about rezoning amendments and a reasoning in regards to public necessity.

With no further discussion, Ordinance 1028 will be on third reading at the next city council meeting.

**ORDINANCE 1029- AMENDING MULTIPLE SECTIONS OF THE MAUMELLE CITY CODE**

With no objections, Mayor Norris called the second reading of Ordinance 1029, an ordinance amending multiple sections of the Maumelle city code to define short term rental, require business registrations, and an accessory use permit for short term rental properties, and for other purposes. The City Clerk gave the reading.

Council Member Gardner asked about Section 1D. Gardner says he struggles with the idea of registering as a business for rental property. Council Member Gardner asked how we will enforce the business registry.

Attorney Krebs stated that the Council can set the number of dwellings units required to register as a business.

Council Member Gardner made a motion to amend the Ordinance 1029 by striking section 1D. Council Member Mosley seconded the motion. The motion failed.

Attorney Krebs referenced section 38-67, that covers out of state owners of rental property. Krebs says the title says out of state but the description does not specifically addresses out of state owners.

Council Member Gardner made a motion to amend the Ordinance 1029 Section 1D, to have 5 or more in the title and 4 or less in the description. Council Member Mosley seconded the motion, the motion failed.

Council Member Gardner spoke about the occupancy section.

With no further discussion, Ordinance 1029 will be on third reading at the next city council meeting.

**ORDINANCE 1030- AMENDING MAUMELLE CITY CODE**

With no objections, Mayor Norris called for the second reading of Ordinance 1030, amending a section of the Maumelle city code to expand the allowance for private city streets and other purposes. The City Clerk gave the reading.

No discussion was needed, Ordinance 1030 will be on third reading at the next city council meeting.

### **ORDINANCE 1031- REGARDING REFERENDUM PROCESS**

With no objections, Mayor Norris called for the first reading of Ordinance 1031, revising sections of the Maumelle City Code regarding the initiative and referendum process and for other purposes. The City Clerk gave the reading.

Attorney Krebs prefaced that the ordinance would ensure our code is consistent with the state.

Council Member Mosley asked to explain the difference between an initiative and a referendum.

Attorney Krebs relayed that an initiative is when a group wants to create a new provision and can be issued through a petition process. A referendum is defined as when legislation is already passed, a group can vote to have it repealed or changed. Both options involve an election.

Council Member Mosley made a motion to amend the last line of section 1 to read, “not more than 90 days after the passage of any ordinance or measure by the City Council”. Council Member Mazzoni seconded the motion. The motion failed.

Mayor Norris explained that with the propose amendment, any ordinance does not go into effect for 90 days, which could require emergency clauses on some ordinances.

Council Member Mosley asked Attorney Krebs about how this ordinance would affect ordinances that were just passed.

With no further discussion, Ordinance 1031 will be on second reading at the next city council meeting.

### **ORDINANCE 1032- REGARDING BUILDING AND BILLS OF ASSURANCE**

With no objections, Mayor Norris called for the first reading of Ordinance 1032, amending section 14-40 of the Maumelle City Code to remove city enforcement of private bills of assurance for aesthetic purposes and for other purposes. The City Clerk gave the reading.

Attorney Krebs spoke about enforcing private bills of assurance.

Council Member Mazzoni stated he is on a POA Board and asked if he should recuse.

Attorney Krebs stated that Mazzoni would not gain anything personally or financially.

Council Member Mosley asked about private restrictive covenants.

With no further discussion, Ordinance 1032 will be on second reading at the next city council meeting.

**RESOLUTION 2021-10- APPROVING THE DISPOSAL OF CITY SURPLUS PROPERTY**

With no objections, Mayor Norris called for the reading of Resolution 2021-10, a resolution to approve the disposal of the city surplus property.

Council Member Mosley asked if the city has replaced the owned police vehicles and how long to be fully on board with the lease program.

Chief of Police, Cory Pickard, stated that the department has three more years to go before fully on board.

Council Member Gardner motioned to adopt Resolution 2021-10. Council Member Tierney seconded the motion, the motion passed by all in unanimously

**CITY CLERK'S COMMENTS**

Clerk Timmons reminded everyone that registration has opened for the Municipal League summer conference.

**ADJOURNMENT**

Council Member Tierney made a motion to adjourn the meeting. Council Member Williams seconded the motion, the motion passed unanimously.

Mayor Norris adjourned the meeting at 8:10 pm.

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MAYOR CALEB NORRIS

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TINA TIMMONS CITY CLERK/TREASURER

**APPROVED**

May 3, 2021