

**MINUTES
REGULAR MEETING
CITY COUNCIL
CITY OF MAUMELLE
OCTOBER 4, 2021
6:00 PM
CITY HALL**

Mayor Norris called the meeting to order at 6:00 p.m. with all Council Members present.

Mayor Norris announced the passing of former Planning Commissioner, Adrian Greene. Mayor Norris called for a moment of silence in his remembrance.

Mayor Norris gave the Invocation and led the Pledge of Allegiance.

SPECIAL GUEST AND ANNOUNCEMENTS

Mayor Norris named Ariel Smith as the April 2020 Employee of the Month and declared October 7, 2021 as Ariel Smith Day in the City of Maumelle. Smith has served as the Deputy City Clerk for the city since October 2020. Ariel continuously goes out her way to assist citizens and staff member alike, and to present a positive attitude.

APPROVAL OF MINUTES- SEPTEMBER 20, 2021

Council Member Mosley noted that Council Member Holt voted no on Ordinance 1037 not Council Member Shinn.

Clerk Timmons stated she would correct the recorded votes in the minutes.

Council Member Gardner motioned to accept the minutes as amended. Council Member Holt seconded the motion, the motion passed by all in attendance.

DEPARTMENT REPORT

Mike Hogan, Director of Public Works, reported on the current state of the Public Works department. Hogan spoke about the department completing street overlays, ditch repairs, pipe rehabilitations, and preparing for the Fall Clean Up.

PLANNING COMMISSION REPORT

Council Member Tierney reported on the most recent Planning Commission meeting. Two of the items discussed were a rezoning request from PRD to PCD, and the amendment of section 94-102.

PROCEDURAL MOTION

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

ORDINANCE 1044 AMENDMENT TO LAND USE PLAN & MAP

With no objections, Mayor Norris called for the third reading of Ordinance 1044, amending the Maumelle Land Use Plan and Map and for other purposes. Clerk Timmons gave the reading.

Council Member Mazzoni expressed his concern for the loss of commercial land and the decrease in revenues that the city will experience in a few years.

Council Member Mosley asked the applicant, who owns the land, when construction is expected to start, and the burden of having an age related facility on the emergency departments. Mosley also expressed his concerned for zoning being PRD.

Scott Allman, SWD Architects, spoke about the plans for construction. Allman stated that after they obtain state licenses, construction could start first quarter of 2023 with an 18 month construction period.

Brian Dale, with Joe White, PE, stated that the Wells Brothers own the land and the O'Reilly's are under contract to purchase from them.

Grant Cox, 3 Huntington, Little Rock, stated that many of the residents of the proposed facility are already residents of Maumelle. Cox also stated that the location would have aspects of commercial spaces, using the cafeteria, and salon as an example.

Stephanie Harris, Arrow Senior Management, spoke about emergency services and how the community will use a unique design for fall predictions.

Scott Grummer, Director of Planning and Permits, clarified PRD by right and the process of approval.

Council Member Holt expressed his concern about rezoning commercial property.

Council Member Mazzoni motioned to open the floor for public comments. Council Member Gardner seconded the motion, the motion passed. Mayor Norris opened the floor, no public comments were presented.

Council Member Shinn stated that he was in favor and spoke about his personal experiences.

Council Member Saunders motioned to adopt Ordinance 1044. Council Member Williams seconded the motion, the motion failed 4/4. Council Members Mosley, Saunders, Mazzoni, and Holt voted no.

ORDINANCE 1045 AMENDMENT TO ZONING MAP

With no objections, Mayor Norris called for third reading of Ordinance 1045, amending the Maumelle Zoning Map and for other purposes. Clerk Timmons gave the reading.

Council Member Saunders motioned to adopt Ordinance 1045, Council Member Shinn seconded the motion, the motion failed unanimously.

RESOLUTION 2021-24 APPROVING PREMININARY DEVELOPMENT PLAN

With no objections, Mayor Norris called for reading of Resolution 2021-24, approving a preliminary development Plan for O'Reilly Senior Community addition. Clerk Timmons gave the reading.

Council Member Gardner motioned to adopt Resolution 2021-24, Council Member Tierney seconded the motion, the motion failed unanimously.

ORDINANCE 1043 ADOPTING PROVISIONS FOR SICK LEAVE ACCRUAL

With no objections, Mayor Norris called for third reading of Ordinance 1043 adopting provisions for the police officer sick leave accruals and for other purposes. Clerk Timmons gave the reading.

Council Member Tierney made a motion to adopt Ordinance 1043. Council Member Williams seconded the motion, the motion passed unanimously.

ORDINANCE 1046 AMENDING CITY CODE SECTION 94-353

With no objections, Mayor Norris called for second reading of Ordinance 1046, amending section 94-353 of the Maumelle City Code to change multifamily residential uses as permitted in the R-3 district from a permitted use in a C-2 district to a conditional use in a C-2 district and for other purposes. Clerk Timmons gave the reading.

Council Member Holt asked for clarification about the title of the ordinance.

Scott Grummer, Director of Planning and Permits explained that the ordinance will change multifamily by right to a conditional use in a C-2 district. The conditional use would require a site plan, and an approval from the planning commission and council.

Attorney Krebs explained the factors when considering if a conditional use is appropriate pursuant to the city code.

Council Member Mosley and Williams expressed that this would give the city more authority.

With no further discussion, Ordinance 1046 will be on third reading at the next council meeting.

RESOLUTION 2021-29 APPROVING PREMININARY DEVELOPMENT PLAN

With no objections, Mayor Norris called for reading of Resolution 2021-29, approving a preliminary development plan for Fontainebleau Centre Lot 2RR. Clerk Timmons gave the reading.

Scott Grummer, Director of Planning & Permits stated that there were minor changes; a loading zone placement, landscape, and the move of a dumpster.

Council Member Gardner motioned to adopt Resolution 2021-29. Council Member Tierney seconded the motion, the motion passed unanimously.

RESOLUTION 2021-30 CERTIFYING THE TAXATION RATE FOR THE TAX YEAR 2021

With no objections, Mayor Norris called for reading of Resolution 2021-30, certifying to the Pulaski County, Arkansas County Clerk the rates of taxation to be levied by the City of Maumelle on taxable real and personal property within the City of Maumelle, Arkansas for the tax year 2021 and for other purposes. Clerk Timmons gave the reading.

Mayor Norris clarified that this resolution does not raise taxes, it is the annual resolution required to submit to the County Clerk what the current taxation rate is.

Council Member Holt motioned to adopt Resolution 2021-30. Council Member Shinn seconded the motion, the motion passed unanimously.

RESOLUTION 2021-31 TO SET DATE FOR PETITION HEARING

With no objections, Mayor Norris called for reading of Resolution 2021-30, to set October 18, 2021, as the date of hearing on the petition to form the City of Maumelle Property Owners' Multipurpose Improvement District no. 2021-17 of Maumelle, Arkansas (The Pinnacle Heights); and for other purposes. Clerk Timmons gave the reading.

Attorney Krebs stated that the title should read November 1 and that the texts indicates that.

Council Member Mazzoni made a motion to amend the title to state November 1, 2021 instead of October 18, 2021. Council Member Tierney seconded the motion, the motion passed unanimously.

Council Member Mosley asked about fees and cost burdens. Mosley also expressed his concern for an improvement district cutting their cost.

Attorney Krebs stated that a special improvement district is different from a POA because cost that are associated are assessed with taxes rather than paying dues to an organization.

Mayor Norris stated that an improvement district like the one proposed is beneficial for the city because they ensure common properties are maintained. Mayor Norris also clarified that this is not a government entity the fee is assessed through taxes and that the city does not received any funds.

Council Member Gardner motioned to adopt Resolution 2021-31. Council Member Tierney seconded the motion, the motion passed unanimously.

ORDINANCE 1047 FRANCHISE AGREEMENT WITH UNITE PRIVATE NETWORKS, LLC

With no objections, Mayor Norris called for first reading of Ordinance 1047, authorizing Unite Private Networks LLC, its successors and assigns, to construct, maintain and operate a communications network within the City of Maumelle, Arkansas, levying a franchise tax, approving a license agreement and for other purposes. Clerk Timmons gave the reading.

George Rutledge, United Private Networks, LLC, spoke about delivering high speed voice and data via fiber optic cable to businesses in the city.

Council Member Gardner asked if they will be doing business in Maumelle versus just using rights of ways to pass through.

George Rutledge stated that it will be a mixture of both and that they plan on building their own fiber optic network.

With no further discussion, Ordinance 1047 will be on second reading at the next council meeting.

ORDINANCE 1048 ATTACH AND INCORPORATE ANNEXED TERRITORY INTO MAUMELLE

With no objections, Mayor Norris called for first reading of Ordinance 1048, to attach and incorporate annexed territories into a ward of the City of Maumelle, and for other purposes. Clerk Timmons gave the reading.

Mayor Norris prefaced that this ordinance places two previous areas that were annexed into a ward.

With no further discussion, Ordinance 1048 will be on second reading at the next council meeting.

ORDINANCE 1049 AMENDING 94-102 OF THE MAUMELLE CITY CODE

With no objections, Mayor Norris called for first reading of Ordinance 1049, amending 94-102 of the Maumelle City Code to change the commercial building design criteria to include architectural metals as a design element, to require all commercial design requirements in any area zoned C-4 (Highway Commercial) and for other purposes. Clerk Timmons gave the reading.

Council Member Saunders stated that for a long time the city has monitored the aesthetics of buildings and that he would like to see pictures and scrap pieces of the proposed metal.

Council Member Gardner thanked the Mayor and the Planning dept. for the much needed update.

Council Member Williams echoed what Council Member Gardner. She also stated that up and coming communities are using more modern designs.

Attorney Krebs referenced section 1 subsection B, stating that 20% is standard with an extra of up to 30%.

Mayor Norris stated that he will provide pictures and samples at next meeting.

With no further discussion, Ordinance 1049 will be on second reading at the next council meeting.

WARD REDISTRICTING DISCUSSION

Mayor Norris stated that a census was done last year which presents an opportunity to redistrict Maumelle wards. Mayor Norris stated the city now has the capabilities of completing in house with GIS. Mayor Norris presented three options to go about the process; the council can host a public meeting workshop to consider priorities, the city can present three different maps based on three different priorities, or create a task force to make recommendations.

Council Member Saunders asked if there is a time constraint.

Mayor Norris stated that it would have been completed by now but the census results were just published. Mayor Norris expressed that they should be completed before the opening filing period for the next election in July 2022.

Council Member Mosley expressed his concern about wards being misrepresented.

Council Member Gardner stated the workshop is a good idea but that he would like guidance through the process.

Council Member Williams asked how redistricting has been done in the past.

Mayor Norris stated that in the past, Metroplan has completed redistricting but the city now has GIS capabilities. Mayor Norris emphasized that Metroplan is not as aware of what is in Maumelle and the City's priorities.

Council Member Holt spoke about wards being noncontiguous and its potential effects.

Attorney Krebs stated that wards have to be contiguous because it could raise issues about gerrymandering and other important concerns.

The council agreed to host a public meeting workshop to consider the priorities. Mayor Norris stated that he would provide more information about dates at the next council meeting.

ECONOMIC TRENDS

Council Member Mazzoni covered this during discussing Ordinance 1044.

RESOLUTION 2021-32 REGARDING SURPLUS PROPERTY

With no objections, Mayor Norris called for reading of Resolution 2021-32, to approve the disposal of city surplus property. Clerk Timmons gave the reading.

Council Member Mosley asked if this is the only side lifting truck.

Mike Hogan, Director of Public Works, stated that this is not the only side lifting truck and that it is one of two sister trucks that were bought at the same time. The dept. also has a newer truck that is in active use.

Council Member Gardner motioned to adopt Resolution 2021-32. Council Member Tierney seconded the motion, the motion passed unanimously.

MAYOR'S COMMENTS

Mayor Norris briefly spoke about the rain over the weekend. Mayor Norris stated that he was out and impressed with city staff that was also out assisting.

COUNCIL MEMBER'S COMMENTS

Council Member Mosley asked for clarification about where the mud was from the rain.

Council Member Saunders asked if Metroplan could send a specialists during the cities redistricting process. Mayor Norris stated that he is sure Metroplan could send someone out, but part of the redistricting process is more so policy discussion than map making. Mayor Norris reiterated that the city now has capabilities of completing redistricting in house. Attorney Krebs referenced Arkansas State Statute 14-43-311 on redistricting for cities of the first class.

ATTORNEY'S COMMENTS

Attorney Krebs gave an update on the opioid settlement and indicated that there will be some agreements coming to the council soon to authorize if the city decides to join.

ADJOURNMENT

Council Member Williams motioned to adjourn the city council meeting. Council Member Gardner seconded the motion, the motion passed unanimously.

Mayor Norris adjourned the meeting at 8:00 pm.

CALEB NORRIS, MAYOR

TINA TIMMONS, CITY CLERK/TREASURER

APPROVED

OCTOBER 18, 2021