

# MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas  
Tuesday, 6:30 pm  
January 14, 2020

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum were present and acting: Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, Councilwoman Mehl, Councilman Jones, Councilwoman Isby, Councilman Pruitt and Councilwoman Smith. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and City Attorney Chuck Clawson.

**Call to Order: Mayor Bart Castleberry**

**Roll Call: Michael O. Garrett, City Clerk**

**Minutes: December 10, 2019**

Councilwoman Smith motioned to approve the **December 10, 2019** minutes as submitted. Councilwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

**Report of Standing Committees:**

**A. Community Development Committee (Airport, Community Development, Planning & Development, Permits & Inspection (Code Enforcement), Historic District Commission, Transportation)**

**1. Resolution adopting the organizational rules and procedures for the City Council FY2020.**

**R-20-01**

Councilman Hawkins presented Item A1 to the Council. Councilwoman Smith motioned to approve the organizational rules for City Council 2020. Councilwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

**2. Resolution to approve the nominations to the Public Facilities Board.**

**R-20-02**

Councilman Hawkins presented Item A2 to the Council. The names of the individuals appointed by Mayor Castleberry to serve on the Public Utilities Board were read by the Mayor and are as follows:

- |                  |             |      |
|------------------|-------------|------|
| 1) Kim Williams  | 5 Year Term | 2025 |
| 2) Osmar Garcia  | 4 Year Term | 2024 |
| 3) Denise Perry  | 3 Year Term | 2023 |
| 4) Eric King     | 2 Year Term | 2022 |
| 5) John Nabholtz | 1 Year Term | 2021 |

Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The Resolution passed 8-0.

**3. Consideration to approve the transportation services agreement with Boys & Girls Club of Faulkner County, Faulkner County Council on Aging & Independent Living Services for 2020.**

Councilman Hawkins presented Item A3 to the Council stating that the contract for the period January 1, 2020 through December 31, 2020, sets a fee of \$100,000 for the Boys and Girls Club of Faulkner County, \$92,000 for the Faulkner County Agency on Aging and \$30,000 for Independent Living Services. Councilman Hawkins moved to approve the contracts and Councilwoman Smith seconded it. The motion passed 8-0.

**4. Consideration to approve the offer and acceptance for property located at 1114/1116 Gum Street for the Community Development Block Grant Program.**

Councilman Hawkins presented Item A4 to the Council. Kiera Oluokun addressed the Council stating that this is the first step toward securing the property for the emergency shelter which appraised at

## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

\$165,000 and was agreed to as the selling price by the owner. Councilwoman Smith moved to approve the offer and acceptance and Councilwoman Isby seconded it. The motion to approve passed 8-0.

5. **Ordinance to approve the private club permit for O'Malley's Irish Grill located at 803 Harkrider Street, Suites 11-12.**

### O-20-01

Councilman Hawkins presented Item A5 to the Council. Attorney Adam Childers introduced Greg Shofner, owner of the O'Malley's Irish Grill, who stated that the restaurant would serve Irish American cuisine, and he felt that the restaurant would complement the downtown area. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. There was no further discussion. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Pruitt, Councilwoman Smith, Councilwoman Mehl, Councilwoman Isby, Councilman Jones, Councilman Grimes, Councilman Ledbetter. The Ordinance passed 8-0.

6. **Resolution requesting the Faulkner County Title Collector place a certified lien on various properties as a result of incurred expense by the City.**

Councilman Hawkins presented items to the Council. There was no one present to represent the properties.

**R-20-03 - 36 Brier Springs in the amount of \$178.76**

**R-20-04 - 2025 Prince Street in the amount of \$373.77**

**R-20-05 - 1208 Davis Street in the amount of \$414.07**

**R-20-06 - 3900 Tyler Street in the amount of 789.15**

Councilman Hawkins moved to adopt the Resolutions and Councilwoman Isby seconded it. The Resolutions were passed 8-0.

7. **Ordinance amending the fees for the construction and alterations of buildings for residential and commercial fee for the Permits/Inspections Department.**

This item was removed from the Agenda.

8. **Ordinance authorizing entering into an agreement for the Markham Square Water Quality Demonstration Project.**

### O-20-02

Councilman Hawkins presented Item A8 to the Council. James Walden, Planning Director addressed the Council stating that the City has gone through the RFQ process to select design professionals to assist with the detention project, with the added bonus of a park. He stated that SWA is the recommended firm for the project and asked that Council approve entering into a professional services agreement with them. He distributed photos of examples of other projects by SWA and said that the reason they were selected was their creativity and ability to build the identity of a place into the actual design of the project. Mayor Castleberry stated that the main purpose of the property will still be water retention but that the improvements would be good for the area and residents were very excited about it. Councilwoman Mehl added that the residents are happy with the concept and that the City was interested in preserving the historical aspects in the design of the project. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. Councilman Jones made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilman Grimes, Councilwoman Mehl, Councilman Jones, Councilman Hawkins, Councilman Ledbetter, Councilwoman Smith, and Councilman Pruitt. The Ordinance passed 8-0.

Mayor Castleberry asked Mr. Walden to share with the Council the information he had sent him earlier, regarding Conway's growth and development. Mr. Walden said that in the last year, in terms of single family starts, Conway has gone from being fourth in the region to being second. He added that permits for

## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

single family starts last year was 267, the highest number since 2007 and is a 30% increase over the previous year. He stated that there were 734 lots created in the last two years which determines where you would likely see permits and he expected to see another increase in 2020. He summed up by saying that development in Conway was at a very high point in 2004-2006, and slowed when the great recession hit, but since then levels have climbed steadily and have returned to those numbers.

**9. Ordinance accepting and appropriating donation funds for the Conway Tree Board and Arbor Day.  
O-20-03**

Councilman Hawkins presented Item A9 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilman Pruitt, Councilwoman Mehl, Councilwoman Isby, Councilman Ledbetter, Councilman Jones. The Ordinance passed 8-0.

**10. Ordinance accepting and appropriating funds from Faulkner County for GIS per the Interlocal agreement.  
O-20-04**

Councilman Hawkins presented Item A10 to the Council. There was no discussion. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. Councilman Jones made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Jones, Councilman Hawkins, and Councilwoman Isby. The Ordinance passed 8-0.

**11. Consideration to approve a conditional use permit to allow a self-storage facility in a C-2 zoning district for +/- 7.0 acres comprised of portions of 2890 Meadowlake Road and 2505 Salem Road.**

Councilman Hawkins presented Item A11 to the Council stating that this was reviewed by the Planning Commission on December 16, 2019 and was voted 8-0 to be forwarded to City Council with the recommendation for approval with the following conditions:

1. The Planning Director may impose reasonable conditions on approval of the Development Review plans. Such conditions may be appealed to the Planning Commission if not agreed to by the applicant.
2. Platting of the property, in accordance with the Subdivision Regulations, shall be required.
3. Any proposed fencing shall use masonry or ornamental metal materials. The Planning Director may approve alternative materials.
4. Landscaping shall be provided in excess of that required by Section 1101 of the Zoning Code. This shall include a minimum of one canopy tree planted every 15 feet along Salem Rd. The Planning Director may approve alternative spacing.
5. Any expansions or additions to the structure as well as any changes to the use shall require an amended or new conditional use permit.
6. The storage of hazardous chemicals or explosives is prohibited.
7. The storage of petroleum products is prohibited.
8. The operation of spray-painting equipment, table saws, lathes, compressors, welding equipment, kilns, and other similar equipment in a storage unit is prohibited.
9. No storage unit may be used for the purposes of operating a business except for the purpose of providing storage for a business that is located off site.
10. Any outside storage, including vehicles and/or vehicles/equipment for rental use, shall be screened and shielded from view of adjacent property or a public right-of-way.
11. All lighting shall not exceed twenty (20) feet in height and be full cut-off, shielded lighting as defined by the IESNA. Such lighting shall be directed to prevent the trespass of light onto the adjacent residential district or use.

---

## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

James Walden addressed the Council stating the site previously had a conditional use permit for an assisted living community. He said that care was taken to ensure the proper amount of screening from surrounding residential areas. Councilman Pruitt asked if these types of businesses are normally zoned Industrial to which Mr. Walden replied that C-3 zoning is appropriate for this type of business activity and the applicant had originally asked for C-3 but was recommended C-2 zoning. Councilman Pruitt asked if the City would later re-zone as C-3 or would the property always remain C-2. Mr. Walden recommended that it remain C-2 and explained that if re-development or expansion occurred, the City could re-evaluate the zoning at that time. Councilman Grimes pointed out the prohibition of hazardous materials/activities in this storage facility and asked if these weren't normally prohibited in such facilities. Mr. Walden stated that he had written some storage unit standards for another community and as Conway does not have them in the Zoning Code, he felt it was good to include them in the conditions for use. There was some discussion regarding including standards in the Conway Zoning Code. Councilwoman Smith made a motion to grant the conditional use permit and Councilwoman Isby seconded it. The Conditional Use permit was approved 8-0.

**12. Ordinance to rezone +/- 3.29 acres located in the 100 block of Hogan Lane from A-1 to O-2.  
O-20-05**

Councilman Hawkins presented Item A12 to the Council stating that this was reviewed by the Planning Commission on December 16, 2019 and was voted 8-0 to be forwarded to City Council with the recommendation for approval. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. Mr. Walden explained that the O-2 zoning allows for offices and some light retail as conditional use. He added that considering the type of structures currently in the area that O-2 was an appropriate zoning for the property. Councilwoman Smith made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting Aye: Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, Councilman Pruitt and Councilwoman Isby. The Ordinance passed 8-0.

**13. Consideration to approve a conditional use permit to allow retail restricted, church, restaurant/eating place and drugstore/pharmacy in the O-2 zoning district located at the 100 block of Hogan Lane.**

Councilman Hawkins presented Item A13 to the Council. James Walden explained that the applicant for the rezoning is planning to market the property so there is no specific design, so they were given the condition that when a design becomes available it would be re-reviewed by the Planning Commission where additional conditions may be placed on the use at that time. Mr. Walden added that under the allowed uses for retail restricted, drive-through restaurants, novelty stores and video stores were excluded. Councilwoman Smith made a motion to grant the conditional use permit and Councilwoman Isby seconded it. The motion carried 8-0.

**B. Public Service Committee (Sanitation, Parks & Recreation & Physical Plant)**

**1. Resolution accepting the bid for building improvements at the recycling center for the Department of Sanitation.**

**R-20-08**

Mayor Castleberry presented Item B1 to the Council. Jamie Brice addressed the Council stating that the City received five bids for the project which is adding a compressor and an extension of the recycling center. She asked the Council to accept the bid from Shields and Associates. Councilwoman Smith moved to adopt the Resolution accepting the bid from Shields and Associates and Councilwoman Isby seconded it. The motion carried. The Resolution was passed 8-0.

**2. Resolution accepting the lowest bid for demolition of structures along Sugar Creek.**

**R-20-09**

---

## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Mayor Castleberry presented Item B2 to the Council. Jamie Brice explained that this is part of the Hazard Mitigation Grant through FEMA and the Arkansas Department of Emergency Management, and asking for approval to accept the lowest bid from Soward Contracting Services, Inc. in the amount of \$40,000. Councilwoman Smith made a motion to adopt the Resolution accepting the bid and Councilwoman Isby seconded it. The Resolution passed 8-0.

**3. Consideration to approve entering into a contract extension with the Arkansas Department of Human Services for the Parks & Recreation Department.**

Mayor Castleberry presented Item B3 to the Council. Steve Ibbotson, Director of Parks & Recreation addressed the Council stating that the property is due north of Curtis Walker Park and is roughly 50 acres. He added that the property is and would be used for soccer parks. The lease would expire in 2063. Councilwoman Smith moved to approve the contract and Councilwoman Isby seconded it. The motion for approval carried 8-0.

**C. New Business**

**1. Ordinance authorizing the levy and collection of a fine for jail cost at the Faulkner County Jail.**

**O-20-06**

Mayor Castleberry presented Item C1 to the Council. Chuck Clawson, City Attorney addressed the Council stating that in an effort to curb overcrowding and inadequate facilities at the Faulkner County Jail, the County has sought additional sources of dedicated revenue for that purpose. He said that they were looking at several options, one being a dedicated tax and a per diem fee to be charged to municipalities or government bringing in detainees. There was also an option to increase jail fees. He explained that with every citation issued, there is a county jail fee of \$20 that is collected by the city in which the citation is issued regardless of whether the individual receiving the citation goes to the jail facility. There is a City jail fine in addition that can be charged as authorized by the City Council. Many years ago, a \$5 jail fine was authorized by Conway City Council, that is collected and remitted on a monthly basis. Recently a County Ordinance was passed by the Quorum Court, that stated a per diem fee of \$44 could be charged any city government for housing a city detainee until the detainee was charged or sentenced. The Ordinance was passed but they gave the cities in Faulkner County the option to raise their city jail fines to \$20 to be remitted on a monthly basis in lieu of the per diem charge. The Ordinance presented to the Council states that the \$20 fine would be collected from all defendants charged with any misdemeanor or traffic violation within the district court of the City and remitted to the County. He added that the benefit to the City through this ordinance is that the jail fee costs are budget neutral as they are included in each citation issued and reminded Council that this is a one-year agreement and would be revisited annually. Councilman Grimes agreed that this is the best action to take at this time, but that a better long-term solution should be investigated for the future, including finding ways to reduce the number of detainees to the jail facilities. Mr. Clawson added that solutions to that problem are being looked at including treatment for individuals and faster court dates to reduce the amount of time detainees spend in the jails. Councilwoman Mehl asked if it would be possible to look at all the shared services and costs with the County for planning purposes. There was some discussion among the Council. Councilman Hawkins confirmed with Mr. Clawson that the \$5 jail fee costs already in place would be increased by \$15 at the passage of this ordinance to total \$20 per citation. Mr. Clawson added that the agreement within the ordinance would automatically renew with the County until it is terminated. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. Councilman Jones moved to adopt the Ordinance with the emergency clause and Councilwoman Isby seconded it. There was no further discussion. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Ledbetter, Councilman Jones, Councilwoman Isby and Councilman Hawkins. The Ordinance with the emergency clause passed 8-0.

**2. Consideration to approve an interlocal agreement with Faulkner County for jail cost at the Faulkner County Jail.**

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Mayor Castleberry presented Item C2 to the Council and asked if there were any additional questions regarding the agreement as explained by Mr. Clawson. Councilman Hawkins moved to approve the interlocal agreement and Councilwoman Mehl seconded it. There was no further discussion. The consideration was approved 8-0.

There was no further discussion. The meeting was adjourned.

**Adjournment**-----

*PASSED this 14<sup>th</sup> day of January 2020*

**APPROVED:**

\_\_\_\_\_  
*Mayor Bart Castleberry*

\_\_\_\_\_  
*City Clerk Michael O. Garrett*