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

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Conway, Arkansas  
Tuesday, 6:30 pm  
May 28, 2019

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 Jones, Councilman Ledbetter, Councilwoman Isby, Councilman Grimes, Councilman Pruitt and Councilwoman Smith. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and City Attorney Chuck Clawson. Councilwoman Mehl was absent.

**Call to Order: Mayor Bart Castleberry**

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

**Minutes: April 23, 2019**

Councilwoman Isby motioned to approve the **April 9, 2019** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**Approval of the monthly financial report ending April 30, 2019**

Tyler Winningham, Chief Financial Officer, addressed the Council stating that sales tax was up this month 6% over this month last year putting the City at just a little under one percent for the year compared to 2018. He added that expenditures were high but that it is normal to see this at this point in the year, before receiving the first ad valorem tax payment from the County. Councilman Hawkins asked Mr. Winningham to elaborate on funding the City expects for building additional roundabouts in 2019. Mr. Winningham stated that Impact fees were used to build the roundabout at College and Country Club, and that he expected those fees and pay-as-you-go sales tax to be available for roundabout construction. Mayor Castleberry stated that the expectation was to build one roundabout per year. Mr. Winningham added that the Street Impact fund had 1.1 million in it that would be available for use on roundabout construction. Councilwoman Smith made a motion to approve the monthly financials and Councilwoman Isby seconded it. The motion carried 7-0.

**Report of Standing Committees:**

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

**1. Resolution setting a public hearing on June 25, 2019 to discuss closing a portion of Factory Street right of way between Mill and Garland Streets.**

**R-19-13**

Councilman Hawkins presented Item A1 to the Council. Councilwoman Isby moved to adopt the Resolution and Councilwoman Smith seconded it. The Resolution passed 7-0.

**2. Resolution setting a public hearing on June 25, 2019 to discuss vacating all of the Audubon Place right of way adjacent to/abutting Lots 1-3, 4A, 5A and 6-7 Audubon Place Subdivision.**

**R-19-14**

Councilman Hawkins presented Item A2 to the Council. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The Resolution passed 7-0.

**3. Resolution approving the year 2019 Community Development Block Grant budget and submittal of Action Plan.**

**R-19-15**

Councilman Hawkins presented Item A3 to the Council. Kiera Oluokun addressed the Council stating that the budget contains that numbers allocated by HUD, with changes including the rental and utility assistance which will not be offered until next year. The rental and utility assistance would conflict with the transportation assistance so will be added next year. Another change is that the park

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improvements and emergency shelter will be added next year after feasibility studies have been completed. Councilwoman Smith moved to adopt the Resolution and Councilwoman Isby seconded it. The motion to approve the Resolution passed 7-0.

**4. Ordinance to approve the transfer of a license to Vincent's Road Hog BBQ located at 2850 Prince Street, Suite 99, Conway AR 72034.**

**O-19-45**

Councilman Hawkins presented Item A4 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion passed 7-0. Councilwoman Smith moved to adopt the Ordinance and Councilman Jones seconded it. The clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Pruitt, Councilwoman Smith, Councilwoman Isby, Councilman Jones, Councilman Grimes and Councilman Ledbetter. The Ordinance passed 7-0.

**5. Resolution requesting Faulkner County Tax Collector place a lien against property located at 2407 Parkwood for expenses incurred by the City.**

This item was removed from the agenda.

**6. Resolution requesting Faulkner County Tax Collector place a lien against property located at 2127 Hairston Street for expenses incurred by the City.**

**R-19-16**

Councilman Hawkins presented Item A6 to the Council. There was no one present to represent the property. Councilwoman Smith made a motion to approve the Resolution and Councilwoman Isby seconded it. The Resolution passed 7-0.

**7. Resolution to condemn and raze the structure located a 217 Davis Street for the Code Enforcement Department.**

**R-19-17**

Councilman Hawkins presented Item A7 to the Council. Mr. Robert Fraser, owner was present and addressed the Council in opposition to the condemnation and asking for a re-inspection of the structure at 217 Davis at a later date. He stated that the house had been cleared and determination had been made as to what work needed to be done to correct the damage to the structure. He added that the roof had sustained storm damage and subsequent water leakage had contributed to the situation it is now in. He concluded by stating that a new roof, paint, and porch repairs could be accomplished by mid to late fall 2019. Spencer Clawson, Code Enforcement Officer addressed the Council stating that his department responded to a complaint about 217 Davis and 2 other properties and it was determined upon inspection that the structure at 217 was uninhabitable and a danger to public health and safety. He added that the Code Enforcement Department asks that the property be condemned and razed per State law and City ordinance. Mr. Fraser stated that the damaged part of the house was an addition, but that the house itself was sound. Mr. Clawson disagreed stating that repairing the roof would stop further leakage but the damage inside the structure was beyond repair as was the determination of City Inspector, Ken Eckert. A video of walk-through of the structure that was taken in April of 2019 was shown to the Council. City Attorney Chuck Clawson asked for a timeline from the Code Enforcement department of the notification provided to Mr. Fraser regarding the structure. Spencer Clawson replied that there has been issues arise with the property dating back to 2009, but that this particular focus on the structure at 217 was initiated this year. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The Resolution passed 7-0.

**8. Consideration to dispose of inventory (vehicle) for the Permits & Inspection Department.**

Councilman Hawkins presented Item A8 to the Council. Jamie Brice, Purchasing Director addressed the Council stating that the Department has a 2009 model vehicle with a zero book value that it requests disposition of. Councilwoman Isby moved to approve the request and Councilwoman Smith seconded it. The motion to approve passed 7-0.

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**9. Consideration to approve the revision to the Standard Detail for Roadway & Drainage Construction for the Transportation Department.**

Councilman Hawkins presented Item A9 to the Council. Finley Vinson addressed the Council stating that this is the most recent revision to the Standard Details containing corrections and updated street cross sections as required by the City of Conway. Councilwoman Smith moved to approve and Councilman Ledbetter seconded it. The motion to approve passed 7-0.

**10. Ordinance appropriating funds and accept bids for the mowing, landscape management, and herbicide application for the Transportation Department.**

**O-19-46**

Councilman Hawkins presented Item A10 to the Council. Jamie Brice addressed the Council stating that two bids were received, one for mowing and one for herbicide and asked that the bids for these services be approved. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Smith moved to adopt the Ordinance with the emergency clause and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilman Grimes, Councilman Jones, Councilman Ledbetter, Councilwoman Smith and Councilman Pruitt. The Ordinance with the emergency clause passed 7-0.

**11. Ordinance appropriating funds and entering into an agreement for construction observation services for the Transportation Department.**

**O-19-47**

Councilman Hawkins presented Item A11 to the Council. Jamie Brice addressed the Council stating that this is a contract service of construction inspection for the City. Finley Vinson added that this position is necessary to assure that construction standards are met. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Smith moved to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilman Pruitt, Councilwoman Isby, Councilman Ledbetter and Councilman Jones. The Ordinance passed 7-0.

**12. Ordinance appropriating funds and approving professional services for the Salem Road Improvements (College to Dave Ward Drive).**

**O-19-48**

Councilman Hawkins presented Item A12 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilman Jones moved 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 Smith, Councilman Jones, Councilman Hawkins and Councilwoman Isby. The Ordinance passed 7-0.

**13. Consideration to approve Moriah Brunner, Kim Lane, and Isaac Sims to the Bicycle and Pedestrian Advisory Board.**

Councilman Hawkins presented Item A13 to the Council and moved to approve the nominations. Councilwoman Smith seconded the motion. The motion to approve passed 7-0.

**14. Ordinance accepting a grant from the Arkansas Historic Preservation Program and appropriating matching grant funds for the Historic District Commission to be administered by the Planning & Development Department.**

**O-19-49**

Councilman Hawkins presented Item A14 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. James

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Walden, Planning Director addressed the Council stating that the grant from the AHPP was approved which will allow RFQs for a consultant to develop a citywide historic preservation plan. Councilwoman Smith moved to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Grimes, Councilman Pruitt, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilwoman Smith and Councilman Hawkins. The Ordinance passed 7-0.

**15. Ordinance to amend the Conway Subdivision Ordinance (O-00-03) in regards to sidewalks for the Planning & Development Department.**

**O-19-50**

Councilman Hawkins presented Item A15 to the Council. James Walden stated that the sidewalk in-lieu fees were raised last year to better line up with the ARDOT requirements, but due to the increase being significant, it was decided to take a four year rolling average which would line up with the actual costs to the Transportation Department and level out the costs in general. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Isby moved to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilman Ledbetter, Councilman Grimes, Councilman Jones, Councilman Pruitt, Councilman Hawkins, and Councilwoman Smith. The Ordinance with the emergency clause passed 7-0.

**16. Ordinance amending the Conway Zoning Ordinance to amend setbacks in certain zones for the Planning & Development Department.**

**O-19-51**

Councilman Hawkins presented Item A16 to the Council. James Walden stated that the department is adjusting the land use regulations to make things clearer for developers but not compromising development standards. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Isby moved to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilwoman Smith, Councilman Grimes, Councilman Hawkins, Councilman Pruitt, Councilman Jones and Councilwoman Isby. The Ordinance passed 7-0.

**17. Ordinance amending the Zoning Ordinance to change the title to Zoning Code for the Planning & Development Department.**

**O-19-52**

Councilman Hawkins presented Item A17 to the Council. James Walden stated that this move would facilitate larger changes to the Zoning Code in the future. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Smith moved to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Grimes, Councilman Hawkins, Councilman Ledbetter, Councilwoman Smith, Councilman Jones and Councilwoman Isby. The Ordinance passed 7-0.

**B. Public Safety Committee (Police, Fire, District Court, Animal Welfare Unit, CEOC-Communication Emergency Operations Center, Department of Information Systems & Technology, & Office of the City Attorney)**

**1. Consideration to approve the disposal of vehicles for the Parks & Recreation Department.**

Mayor Castleberry presented Item B1 to the Council. Steve Ibbotson, Director addressed the Council stating that there were vehicles, a mower and a scoreboard that were no longer viable. Councilwoman Smith motioned to approve the consideration and Councilwoman Isby seconded it. The motion carried 7-0.

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- 2. Resolution to authorize donation of softball field light system from 5<sup>th</sup> Avenue Park to City of Guy, Arkansas from the Parks & Recreation Department.**

**R-19-18**

Mayor Castleberry presented Item B2 to the Council. Mr. Ibbotson stated that when the lighting system was removed from 5<sup>th</sup> Avenue Park, the City of Guy requested them for their use. Councilwoman Smith moved to adopt the Resolution and Councilman Jones seconded it. The motion to adopt the Resolution passed 7-0.

- 3. Resolution to utilize Federal Recreation Trail Program (RTP) funds for the Stone Dam Creek Phase II Project (Donaghey Ave to South German Lane) for the Parks & Recreation Department.**

**R-19-19**

Mayor Castleberry presented Item B3 to the Council. Jamie Brice stated that the \$178,000 was received for Phase I and through this Resolution, the City would be committing \$154,000 in parks impact fee funds which is 20% of the amount. Councilwoman Smith moved to adopt the Resolution and Councilman Jones seconded it. The motion to adopt the Resolution passed 7-0.

- 4. Consideration to approve the disposal of inventory (equipment & vehicles) for the Department of Sanitation.**

Mayor Castleberry presented Item B4 to the Council. Joe Hopper, Director stated that equipment and vehicles that were no longer useful to the department. Councilwoman Isby made a motion to approve the consideration for disposal and Councilwoman Smith seconded it. The motion carried 7-0.

- 5. Consideration to enter into an agreement with Pratt Recycling for the Department of Sanitation.**

Mayor Castleberry presented Item B5 to the Council. Councilwoman Smith made a motion to approve the consideration for disposal and Councilman Hawkins seconded it. The motion carried 7-0.

- 6. Consideration to enter into a pipeline agreement with Union Pacific Railroad Company for the Department of Sanitation.**

Mayor Castleberry presented Item B6 to the Council. Mr. Hopper told the Council that this was an 8" wastewater pipeline to go under the railroad and tie into the main line near the animal welfare unit location. Councilwoman Smith made a motion to approve the consideration for disposal and Councilwoman Isby seconded it. The motion carried 7-0.

- 7. Ordinance waiving the competitive bid process for the purchase of a refuse truck and roll-off truck for the Department of Sanitation.**

**O-19-53**

Mayor Castleberry presented Item B7 to the Council. Mr. Hopper told the Council that this move was a step in the process of unifying chassis and trash body types of vehicles in the department. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Smith moved to adopt the Ordinance and Councilman Jones seconded it. The Clerk called the roll with the following voting "Aye": Councilman Jones, Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, Councilman Pruitt and Councilwoman Isby. The Ordinance passed 7-0.

- C. Public Safety Committee (Police, Fire, District Court, Animal Welfare Unit, CEOC- Communication Emergency Operations Center, Department of information Systems & Technology, & Office of the City Attorney)**

- 1. Ordinance appropriating reimbursement funds for the Conway Police Department.**

**O-19-54**

Mayor Castleberry presented Item B7 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 7-0. Councilwoman Smith moved to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Grimes, Councilwoman Smith, Councilman

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Ledbetter, Councilman Jones, Councilwoman Isby and Councilman Hawkins. The Ordinance passed 7-0.

**D. New Business**

**1. Discussion of medical marijuana violations**

City Attorney Chuck Clawson reminded the Council that the Arkansas Constitution was amended by a vote by the citizens to allow for medical use of marijuana. He added that there have been two cultural centers and several dispensaries open around the State and that there is a location in Conway that is planning to open in the fall of 2019. He asked that the Council allow him to draft an ordinance that would adopt the constitutional amendment that would allow police officers and the City to deal with violations as they arise and educate the public on what these new laws mean. Councilman Jones agreed with Mr. Clawson stating that there is a lot of misunderstanding with the laws being vague, and that an ordinance would save the City time and money in dealing with this issue. Other Council members agreed and asked Mr. Clawson to proceed with a draft of an ordinance.

There was no further discussion. The meeting was adjourned.

**Adjournment-----**

*PASSED this 28<sup>th</sup> day of May, 2019*

**APPROVED:**

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*Mayor Bart Castleberry*

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*City Clerk Michael O. Garrett*