
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
June 25, 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 Ledbetter, Councilwoman Mehl, Councilman Grimes, Councilman Pruitt and Councilwoman Smith. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and City Attorney Chuck Clawson. Councilwoman Isby and Councilman Jones were absent.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett, City Clerk

Minutes: May 28, 2019

Councilwoman Smith motioned to approve the **May 28, 2019** minutes as submitted. Councilman Hawkins seconded the motion. There was no discussion. The motion passed 6-0.

Approval of the monthly financial report ending May 31, 2019

Tyler Winningham, Chief Financial Officer, addressed the Council stating that the Ad Valorem tax had come in, improving the General Fund numbers, but that May also had some heavy expenditures keeping the bottom line low. He added that sales tax was up 4% but that the accounts were still down .25% for the year. Councilwoman Smith moved to approve the monthly financials and Councilwoman Mehl seconded the motion. The financials were approved 6-0.

Mayor Castleberry requested that item B12 be moved to the top of the Agenda. Councilwoman Smith made a motion to suspend the rules to move Item B12 and Councilman Pruitt seconded the motion. The motion carried 6-0.

Ordinance to amend Ordinance O-85-11, allowing water services to be extended outside of the Conway city limits (if in the filed water plan).

O-19-55

Mayor Castleberry presented Item B12 to the Council. James Walden addressed the Council stating that the amendment is a result of the Planning Department's annexation analysis. It would allow Conway Corp to serve areas with water utilities outside of the city limits in certain circumstances. Councilwoman Smith made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion carried 6-0. Councilwoman Smith made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Grimes, Councilman Pruitt, Councilman Ledbetter, Councilwoman Smith and Councilwoman Mehl. The Ordinance passed 6-0.

Report of Standing Committees:

A. Public Hearing:

1. Public Hearing to close a portion of Factory Street right of way between Mill and Garland Street.

O-19-56

Mayor Castleberry opened the public hearing. Brad Hegeman representing Nabholtz Construction addressed the Council speaking in favor of the closing. He explained to the Council the overall plan for the office campus with regard to the future and ability to serve customers in Conway. He referenced an outline of the current corporate campus provided to the Council, pointing out the proposal to close the section of Factory Street which would allow Nabholtz to create a closed campus, and expand services in the future. He pointed out that the closure is also a safety issue due to the fact that they are moving large equipment back and forth through that area. He mentioned concerns from the Fire Department regarding access to a fire hydrant on the north end, but he assured them that the fencing that would be used would not inhibit access to the fire hydrant. Councilwoman Mehl praised Nabholtz for reaching out to the community for input. Mayor Castleberry closed the public hearing as there were no more

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

who wished to speak for or against this matter. Councilwoman Smith moved to waive the three readings and Councilwoman Mehl seconded it. The motion carried 6-0. Councilwoman Mehl made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilwoman Mehl, Councilman Grimes, Councilman Hawkins, Councilwoman Smith and Councilman Pruitt. The Ordinance passed 6-0.

2. Public Hearing to close a portion in the Audubon Place Subdivision.

O-19-57

Mayor Castleberry opened the public hearing stating that this ordinance would allow closure of all of the street right-of-way adjacent to and abutting Lots 1 through 3, 4A, 5A, 6 and 7, Audubon Place Subdivision. Scott Robnett of 520 Audubon Place addressed the Council. He called their attention to letters of concurrence from AT&T, Centerpoint, City of Conway, Conway Corp., and all abutting property owners. He provided photos of the property in question to the Council. He stated that the gates would be placed so as to create a turn-around and there would be access to a fire/emergency box as well. Councilwoman Smith asked if the City would maintain the area and it was determined that it would not if the right-of-way is abandoned. Mr. Robnett assured the Council that they were aware that they would be required to maintain the street in the gate area as well as the lighting. No one else came forward to speak for or against the closure. Mayor Castleberry closed the public hearing. Councilwoman Smith made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion carried 6-0. Councilwoman Smith moved to adopt the Ordinance and Councilman Ledbetter seconded the motion. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Pruitt, Councilwoman Mehl, Councilman Hawkins, Councilman Ledbetter and Councilman Grimes. The Ordinance was approved 6-0.

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

1. Consideration to dispose of inventory for the Finance Department.

Councilman Hawkins presented Item B1 to the Council. Tyler Winningham, CFO addressed the Council asking for approval to dispose of a printer that was being stored in the Finance Department and was no longer useful. Councilwoman Smith moved to approve the consideration and Councilwoman Mehl seconded it. The motion to approve passed 6-0.

2. Ordinance to approve entering into a professional services agreement for improvements at the Conway Municipal Airport.

O-19-58

Councilman Hawkins presented Item B2 to the Council. Jamie Brice, Procurement Manager, stated that Federal Guidelines recommend City Council approve the work order from Garver for their professional services including surveys, DBE goal and reporting, project administration, final design services, bidding services and construction phase services for a total of \$199,450. Councilwoman Smith made a motion to waive the three readings and Councilman Hawkins seconded it. The motion passed 6-0. Councilwoman Smith moved to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, and Councilman Hawkins. The Ordinance passed 6-0.

3. Ordinance to approve the ABC permit submittal of Whole Hog Café located at 150 East Oak Street, Conway, AR 72032

O-19-59

Councilman Hawkins presented Item B3 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilman Hawkins seconded it. The motion passed 6-0. Councilwoman Smith moved to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

with the following voting "Aye": Councilman Grimes, Councilman Pruitt, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Smith and Councilman Hawkins. The Ordinance passed 6-0.

4. Ordinance to approve the ABC permit submittal of Verona Italian Restaurant located at 190 Skyline Drive, Conway, AR 72032

O-19-60

Councilman Hawkins presented Item B4 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilman Hawkins seconded it. The motion passed 6-0. Councilwoman Smith moved to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Grimes, Councilman Pruitt, Councilman Hawkins, Councilwoman Smith, and Councilwoman Mehl. The Ordinance passed 6-0.

5. Ordinance to approve the ABC permit submittal of Local Patio and Grill located at 912 Front Street, Conway, AR 72032.

O-19-61

Councilman Hawkins presented Item B5 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilman Hawkins seconded it. The motion passed 6-0. Councilwoman Smith moved to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Ledbetter, Councilwoman Smith, Councilman Grimes, Councilman Hawkins, and Councilman Pruitt. The Ordinance passed 6-0.

6. Resolutions requesting Faulkner County Tax Collector place a lien against properties for expenses incurred by the City:

Councilman Hawkins presented Item B6 and noted the properties listed below:

- | | |
|---|----------------|
| 1. 429 Angus Street in the amount of \$450.46 | R-19-20 |
| 2. 66 Briarwood Circle in the amount of 172.11 | R-19-23 |
| 3. 1364 Bruce Street in the amount of \$195.61 | R-19-21 |
| 4. 1 Morningside Drive in the amount of \$196.33 | R-19-22 |

As there was no one present to represent any of the properties, Councilwoman Smith made a motion to adopt the Resolutions and Councilwoman Mehl seconded it. The motion to adopt the Resolutions passed 6-0.

7. Resolution to support the City of Conway to utilize Federal Aid Surface Transportation funding for the traffic signal upgrade at the intersection of Highway 65B and Robins Street.

R-19-24

Councilman Hawkins presented Item B7 to the Council. Jamie Brice, Procurement Manager addressed the Council explaining that the amount of the Federal Grant is \$282,956 with a local match of \$70,000 for a total of \$350,000. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Mehl seconded it. The Resolution passed 6-0.

8. Resolution to support the City of Conway to utilize Federal Aid Transportation Alternative Program funds for the Harkrider Street Sidewalk Improvement Project.

This item was held in Committee.

9. Consideration to approve the submittal of a Hazard Mitigation Grant Notice of Intent for the box culvert project under Tyler Street for the Transportation Department.

Councilman Hawkins presented Item B9 to the Council. Finley Vinson was present to address the Council. Total estimated cost of the project is \$250,000 with a local match available of \$125,000. Councilwoman Smith moved to approve the submittal of the Grant Notice and Councilwoman Mehl seconded it. The motion to approve passed 6-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

10. Ordinance appropriating funding and approving the purchase of an easement located on Van Ronkle in Downtown Conway.

O-19-62

Councilman Hawkins presented Item B10 to the Council. Finley Vinson addressed the Council explaining that the reconstruction of Van Ronkle Street it was discovered that the 90 year old box culvert that extended into the street needed to be rebuilt and it would be necessary to purchase a drainage easement for the purpose. Councilwoman Smith made a motion to waive the three readings and Councilman Hawkins seconded it. The motion passed 6-0. Councilwoman Smith moved to adopt the Ordinance with the emergency clause, and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilwoman Mehl, Councilman Grimes, Councilman Hawkins, Councilman Ledbetter, and Councilwoman Smith. The Ordinance passed 6-0.

11. Ordinance approving the bid and appropriating funds for the Tyler Street Improvements for the Transportation Department.

O-19-63

Councilman Hawkins presented Item B11 to the Council. Jamie Brice Procurement Manager requested approval from the Council for the lowest bid in the amount of \$1,395,577.75 from Rogers Group. Councilwoman Smith made a motion to waive the three readings and Councilman Hawkins seconded it. The motion passed 6-0. Councilwoman Smith moved to adopt the Ordinance with the emergency clause, and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Pruitt, Councilwoman Smith, Councilwoman Mehl, Councilman Grimes and Councilman Ledbetter. The Ordinance passed 6-0.

12. This item was moved to the top of the Agenda.

13. Ordinance to rezone property located at 3725 College Avenue from O-1 to PUD.

O-19-64

Councilman Hawkins presented Item B13 to the Council stating that this item was reviewed by the Planning Commission at their meeting of June 18, 2019 and voted 6-1 to forward to City Council for approval with the following conditions:

1. Permit uses shall be limited to Animal Clinic, Arena, Stable, Veterinarian Clinic (including large animals), [24 hour] Animal Hospital, Kennel (Boarding of Animals/Indoor Boarding/Animal Day), Hippotherapy, Equine Assisted Therapy, Equine Rehabilitation/Fitness/Therapy, Live Events (including equestrian/horseback events, rodeo, and birthday parties), and Restaurant.
2. Live Events must conclude by 11:00 pm.
3. Outdoor Sound System usage [extending beyond covered roof] must cease by 8:00 pm.
4. Restaurant operation must cease by 11:00 pm; no drive-thru is allowed.
5. Excluding permitted uses, the rules of O-1 (General Office) zoning district shall govern the site.
6. Ryan Road and Shock Loop shall not be used for event traffic or the moving of animals or materials onto or off of the site.
7. The City Council shall have the authority to review and alter the PUD zoning if significant and verifiable complaints concerning the external impacts of the use (specifically noise) are made and left uncorrected.

James Walden, Planning Director addressed the Council explaining that the previous conditions of use were tied to the owners of the property, and since the ownership has changed, it is necessary to rezone the property to PUD in order that the property and structures be allowed to be used in the manner for which they were designed. He clarified that this PUD would be tied to the property regardless of the owner. Mr. Walden stated that there had been no opposition to the re-zoning from neighbors.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Councilwoman Smith made a motion to waive the three readings and Councilman Ledbetter seconded it. The motion passed 6-0. Councilwoman Smith moved to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilman Grimes, Councilwoman Mehl, Councilman Hawkins, Councilman Ledbetter, Councilwoman Smith, and Councilman Pruitt. The Ordinance passed 6-0.

C. New Business

1. Ordinance approving medical marijuana violations for the City of Conway.

O-19-65

Mayor Castleberry presented Item C1 to the Council. City Attorney Chuck Clawson explained the Ordinance to the Council referring to the documents presented. He stated that the Ordinance provides accountability without criminal prosecution to valid card holders for being in violation, and provides our officers with a clear cut path as to how to handle these situations when they come upon them. It will allow valid card holders to be served citations for use outside the protection of the Amendment. Councilwoman Smith made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion passed 6-0. Councilwoman Smith moved to adopt the Ordinance with the emergency clause, and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilman Pruitt, Councilwoman Mehl, and Councilman Ledbetter. The Ordinance passed 6-0.

There was no further discussion. The meeting was adjourned.

Adjournment-----

PASSED this 25th day of June, 2019

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett