
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
June 27, 2017

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: Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Isby and Alderman Ledbetter. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and City Attorney Chuck Clawson. Alderman Jones and Alderwoman Smith were not present.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett

Minutes: May 23, 2017

Alderwoman Isby motioned to approve the **May 23, 2017** minutes as submitted. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

Recognition of Public Safety Employees

Chief Mike Winter of the Conway Fire Department was present to honor members of the CFD Swift team for their commitment to action and bravery during the storms and flooding of April 20th, 2017.

Presentation of CALEA Award

Retired Master Sergeant Randy Scott, program manager for the CALEA program was in attendance to present to the Conway Police Department their fifth accreditation award. Mr. William Tapley was also present to receive the award on behalf of Police Chief Jody Spradlin and the Conway Police Department.

Approval of Monthly Financial Report ending May 31, 2017:

Mr. Tyler Wingham presented to the Council the Financial Report ending May 31, 2017. He reported that revenues have improved over last month. He added that the Ad Valorem is tax down from last year but that the totals should improve by the October due date. Sales tax revenues are up 2% over this time last year. He reported that spending in all managed departments is well under the 41% that would be expected at this point in the year. He said that the outside audit would be finished in the next week and final results can be processed at that time. Alderwoman Isby motioned to approve the Monthly Financial Report ending May 31, 2017 and Alderwoman Mehl seconded it. The motion to approve passed 6-0.

1. Report of Standing Committees:

A. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)

- 1. Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 1025 Knights Drive as a result of incurred expenses by the City.**

R-17-23

Alderman Hawkins presented Item A1 to the Council. There was no one present to represent the property owner. Alderwoman Isby made a motion to approve the Resolution and Alderwoman Mehl seconded it. The motion passed 6-0.

- 2. Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 1521 Hardy Street as a result of incurred expenses by the City.**

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R-17-24

Alderman Hawkins presented Item A2 to the Council. There was no one present to represent the property owner. Alderwoman Isby motioned to approve the Resolution. Alderwoman Mehl seconded the motion. The motion to approve passed 6-0.

3. Consideration to approve the agreements for Arvest Bank and Park Place PUD for the College & Salem Roundabout project for the Street & Engineering Department.

Alderman Hawkins presented Item A3 to the Council. Mr. Jack Branscum of the Street and Engineering Department was present to answer questions from the Council. He clarified that the agreements are for land acquisition and the amount is \$71,000 for the Arvest portion and \$50,080 for the Park Place PUD. Alderwoman Isby made a motion to approve the agreements and Alderwoman Mehl seconded it. The motion passed 6-0.

4. Resolution to condemn property located at the corner of College & Salem (Walgreen's) for the College & Salem Roundabout project for the Street & Engineering Department.

R-17-25

Alderman Hawkins presented Item A4 to the Council. Mr. Jack Branscum of the Street and Engineering Department addressed Council members stating that Walgreens preferred to proceed with condemnation due to the time constraints in the projected timeline of completion by the end of the year. Mr. Branscum also clarified for the Council that there would be a retaining wall put in place on the Walgreens property to shield the parking spaces near the roundabout. Alderman Ledbetter made a motion to approve the Resolution and Alderwoman Mehl seconded it. The motion to approve was passed 6-0.

5. Consideration to approve the nomination of Michael Yoder for a second term on the Bicycle Pedestrian Advisory Board.

Alderman Hawkins presented Item A5 to the Council. Alderman Andy Hawkins made a motion to approve the nomination and Alderwoman Isby seconded it. The motion passed 6-0.

6. Ordinance appropriating grant funds for the Spencer Street Brownfield Cleanup Project.

O-17-63

Alderman Hawkins presented Item A6 to the Council. Mr. Scott Grummer, City Planner was present to address the Council. He stated that the funds requested are reimbursement from EPA for monies the City has already spent on the project. Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl seconded it. The motion passed 6-0. Alderwoman Isby made a motion to adopt the Ordinance with the Emergency Clause. Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Mehl; Alderman Pruitt, Alderman Hawkins, Alderwoman Isby, Alderman Grimes, Alderman Ledbetter. The Ordinance passed 6-0.

7. Ordinance appropriating match funds and extending its expiration period for an EPA Brownfield Cleanup Grant for 1110 Spencer Street (former Scrap Metal Yard property).

O-17-64

Alderman Hawkins presented Item A7 to the Council. Mr. Scott Grummer, City Planner addressed the Council stating that in 2014 when the EPA Grant was awarded the City Council approved the match funding for the percentage that we had which was \$40,000. The match expired in January of 2017 before the cleanup was completed. The actual Grant expires in October of 2017 so the extension requested is to that date. Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderwoman Isby made a

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motion to adopt the Ordinance and Alderwoman Mehl seconded the motion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderman Grimes, Alderwoman Isby, Alderman Ledbetter, and Alderwoman Mehl. The Ordinance passed 6-0.

8. Ordinance accepting and appropriating donation funds for the Conway Historic District Commission for Commissioner training.

O-17-65

Alderman Hawkins presented Item A8 to the Council. Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderwoman Isby made a motion to adopt the Ordinance. Alderwoman Mehl seconded the motion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Isby, Alderman Ledbetter, Alderwoman Mehl and Alderman Pruitt. The Ordinance passed 6-0.

9. Ordinance to rezone property located at 1616, 1620 & 1624 Robinson Avenue from R-2A to PUD.

O-17-66

Alderman Hawkins presented Item A9 to the Council, stating that the Planning Commission voted 7-1 to forward this item to City Council for approval including the development plan conditions listed below:

Staff Suggested Conditions:

1. The PUD is tied to applicants; Mustela Properties, LLC. If Mustela Properties, LLC does not own the property by June 19, 2018, this PUD shall become null and void and the property will revert to an R-2A zoning district.
2. The PUD shall allow a maximum of 12 residential units; 4 units in each of the two historic apartment structures and 4 units in a new apartment structure.
3. Signage must be approved by the Historic District Commission.
4. The PUD shall be generally developed as shown on site plan. Specific structure design, materials, landscaping, and variations from the submitted plan shall be allowed per Historic District Commission review. However, the density and intent of the site plan shall be followed.
5. Appropriate setbacks, shall be determined during Historic District Commission review.
6. This allowed increase in density shall be allowed only with a rehabilitation/restoration of the two existing historic apartment structures. No increase in density shall be allowed without substantial exterior improvements meeting the approval of the Conway Historic District Commission.

Additional Suggested Conditions [by area residents]:

7. Privacy fencing shall be required on the north property line.
8. The minimum number to trash containers, as allowed by ordinance, will be provided/used. Owners shall designate a resident/manager to ensure timely roll cart curb collection placement and retrieval.
9. No parking will be allowed on Robinson Avenue fronting the development.

Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl seconded it. The motion passed 6-0. Alderman Hawkins made a motion to adopt the Ordinance and Alderman Grimes seconded it. Bryan Patrick with the Planning Department stated that the applicants would like to address condition #8 as the wording was placed incorrectly by the Planning Commission after the Commission meeting. The designated resident/manager stipulation was not voted on by the Planning Commission. Also the type of fence addressed in #7 was later agreed upon to be an overlapping type fence. Greg Pillow addressed the Council regarding condition #8 stating that the developer did not want to be responsible for a designated manager regarding trash containers. After some discussion among the Council, Alderman Grimes made a motion to exclude condition #8 from

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the Ordinance and Alderwoman Isby seconded it. The motion passed 6-0. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Isby, Alderman Pruitt, Alderman Hawkins, Alderwoman Mehl and Alderman Grimes. The Ordinance, excluding condition #8, passed 6-0.

10. Ordinance to rezone property located south of Dave Ward Drive, West of South Salem Road & North of Pheasant Road from RU-1, MF-1 and R-1 to MF-3.

O-17-67

Alderman Hawkins presented Item A10 to the Council, stating that this item was reviewed by the Planning Commission at their meeting of May 15th and at the time the Commission voted 6-4 to forward to the City Council with recommendation for approval. Alderwoman Isby made a motion to waive the three readings and Alderman Grimes seconded it. The motion passed 6-0. Alderman Hawkins made a motion to adopt the Ordinance and Alderman Ledbetter seconded it. Brent Salter with Salter Properties was present to address the Council. He clarified for the Council that this Ordinance was held from the last City Council meeting in order for the applicants to address the public regarding the expansion of the apartment complex at the location. He presented to the Council photos from Google Earth showing the area of development in question over the years beginning with 1990, and stated that they had done everything in their power to assure the public that maintain the privacy in their neighborhoods. Henry Zimmerebner spoke in opposition. Mr. Zimmerebner stated that while they had met with Mr. Salter and appreciated their candor and consideration of residents, he feels that the rezoning of Pheasant Road is not consistent with existing zoning in the area. He also stated to the Council that he and his wife have lived on Pheasant Road since 1992 and they feel strongly that the rezoning would jeopardize the integrity of the neighborhood and that the rezoning of the property on Dave Ward drive is not appropriate and would have a negative impact on their quality of life. He expressed concern about drainage, loss of greenspace, noise pollution, traffic burden should the multi-family dwellings be constructed. Casper Zimmerebner was also present to address the Council. He stated that his concern was that the Salters do not yet own the property and asked the Council to include language that if they (Salters) were not able to complete the transaction, the rezoning would not apply. Lesta Everhard was present to speak in opposition. Her concern, as she stated, is the drastic change in zoning from the residential neighborhood in which they live, to a multi-family apartment complex. Gene Salter addressed the Council and the concerns of the public that were raised in the meeting. He stated that as the owner of the Brentwood apartments in question, he had agreed to a privacy fence surrounding the development, buildings no higher than two-story to maintain the privacy of the current residents. Other issues such as drainage etc. would be addressed by the Planning Department and would fall under all current regulations for building. There was some discussion among the Council. It was confirmed by Bryan Patrick that there can be no conditions placed on a rezoning, reminding Council that they were to consider whether or not the rezoning is an appropriate use of the property. There was no further discussion. Alderman Hawkins made a motion to adopt the Ordinance and Alderman Ledbetter seconded. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Isby, Alderwoman Mehl, Alderman Hawkins, Alderman Grimes and Alderman Pruitt. The Ordinance passed 6-0.

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

1. Ordinance accepting and appropriating funds received for the purchase of scoreboards at Conway Station Park.

O-17-68

Mayor Castleberry presented Item B1 to the Council. Steve Ibbotson of the Parks and Recreation Department was present to address the Council. He stated that the Department has received commitments from Conway Regional and First Security Bank to sponsor all nine scoreboards for

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Conway Station Park. The Ordinance will allow the funds to be appropriated from A&P monies and repaid as the sponsors funds come in. Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderwoman Isby moved to adopt the Ordinance and Alderwoman Mehl seconded the motion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Ledbetter, Alderwoman Mehl, Alderwoman Isby, Alderman Pruitt and Alderman Grimes. The Ordinance passed 6-0.

2. Consideration to approve bids received for uniforms at the Department of Sanitation.

Mayor Castleberry present Item B2 to the Council. Jamie Brice, Purchasing Manager was present to address the Council. She stated that bids were sent out for uniforms for the Sanitation department and that Paramount came in as the lowest bid. We have used them since 2011 and would like to continue their service. Alderman Hawkins moved to approve the consideration and Alderman Ledbetter seconded the motion. The motion passed 6-0.

3. Consideration to remove and dispose of assets from inventory for the Department of Sanitation.

Mayor Castleberry presented Item B3 to the Council. Joe Hopper of the Sanitation Department was present to address the Council. There was no discussion. Alderman Hawkins moved to approve the consideration and Alderwoman Isby seconded the motion. The motion for approval passed 6-0.

4. Ordinance appropriating funds received from the Municipal League Vehicle Program for the Department of Sanitation.

O-17-69

Mayor Castleberry presented Item B4 to the Council. Joe Hopper of the Sanitation Department explained to the Council that two sanitation vehicles have been repaired and funds are needed to pay for the repairs. Alderwoman Isby moved to waive the three readings and Alderwoman Mehl seconded. The motion passed 6-0. Alderwoman Isby made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Isby, Alderwoman Mehl, Alderman Hawkins, Alderman Pruitt and Alderman Ledbetter. The Ordinance passed 6-0.

5. Ordinance waiving the requirement to obtain competitive bids for equipment repair on a front loader (#733) for the Department of Sanitation.

O-17-70

Mayor Castleberry presented Item B5 to the Council. Joe Hopper addressed the Council stating that the truck had an electrical fire and that the insurance claim was denied because it was not covered in the policy. There was no further discussion. Alderwoman Isby motioned to waive the three readings and Alderwoman Mehl seconded it. The motion passed 6-0. Alderwoman Isby moved to adopt the Ordinance with the Emergency Clause and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Isby and Alderman Hawkins. The Ordinance passed 6-0.

6. Ordinance waving the requirement to obtain competitive bids for equipment repair on a front loader (#829) for the Department of Sanitation.

O-17-71

Mayor Castleberry presented Item B6 to the Council. Joe Hopper addressed the Council stating that this truck experienced a catastrophic engine failure in February. Mack Trucks have denied the warranty claim. The denial was contested to the point of having the engine sent for testing at the City's expense. Alderwoman Isby made a motion to waive the three readings and Alderwoman

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Mehl seconded. The motion passed 6-0. Alderwoman Isby moved to adopt the Ordinance with the Emergency Clause and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, Alderwoman Isby, Alderman Hawkins, and Alderwoman Mehl. The Ordinance passed 6-0.

C. Public Safety Committee (Police, AWU, CEOC, Fire, District Court, Information Technology & City Attorney

1. Consideration to dispose of inventory for the Information Technology Department.

Mayor Castleberry presented Item C1 to the Council. Aaron Knight of the IT Department was present to address the Council. Alderman Andy Hawkins motioned to approve the consideration and Alderwoman Mehl seconded. The motion to approve passed 6-0.

2. Ordinance appropriating funds for civil service expenses (firefighter testing) for the Conway Fire Department.

O-17-72

Mayor Castleberry presented Item C2 to the Council. There was no discussion. Alderwoman Isby made a motion to waive the three readings and Alderman Hawkins seconded it. The motion passed 6-0. Alderwoman Isby moved to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Isby, Alderman Grimes, Alderman Hawkins, Alderman Ledbetter, Alderwoman Mehl and Alderman Pruitt. The Ordinance passed 6-0.

3. Consideration to approve the bid for the replacement of the roof at the Animal Welfare Unit.

Mayor Castleberry presented Item C3 to the Council. Major William Tapley was present to answer questions from Council. He stated that last year there were some problems with the roof at the Animal Welfare Unit. Some repairs were made but it was recommended that the roof be replaced. The replacement was budgeted and 8 bids were received. It is being requested that Collier Roofing be awarded the bid. There was some discussion among the Council regarding the choice of Collier Roofing since they were not the lowest bidder. Jamie Brice, Purchasing Manager stated to the Council that even though Collier was not the lowest bidder, they felt that they had the most experience with the TPO roofing that was being installed. Alderwoman Isby made a motion to approve the consideration and Alderman Pruitt seconded the motion. There was no further discussion. The motion passed 5-1 with Alderman Hawkins voting "No".

4. Consideration to dispose of inventory (vehicles) for the Conway Police Department.

Mayor Castleberry presented Item C4 to the Council. Major Tapley addressed the Council with the request for disposal. Alderwoman Isby moved to approve the consideration and Alderwoman Mehl seconded it. The motion passed 6-0. There was no further discussion.

5. Ordinance appropriating funds to replace the heating and cooling unit for Conway Emergency Operations Center.

O-17-73

Mayor Castleberry presented item C5 to the Council. Major Tapley explained that there is a hole in the system that is enlarging, making it impossible to keep Freon in the system. Mayor Castleberry asked Jamie Brice, Purchasing Manager if the County was favorable to a split in the cost of the replacement of the unit. She said that data has been collected and numbers prepared to present to Judge Baker. Mayor Castleberry reiterated that there have been discussions about splitting the cost of the new units. Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl seconded it. The motion passed 6-0. There was no further discussion. Alderwoman Isby moved to adopt the Ordinance with the Emergency Clause and Alderwoman Mehl

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seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderman Hawkins, Alderman Pruitt, Alderman Grimes, Alderwoman Mehl and Alderwoman Isby. The Ordinance passed 6-0.

6. Ordinance appropriating reimbursement funds from various entities for the Conway Police Department.

O-17-74

Mayor Castleberry presented Item C6 to the Council. Major Tapley stated to the Council that the CPD has funds for reimbursement for items such as insurance proceeds, extra duty service, DUI Seatbelt Taskforce, etc. Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl seconded it. The motion passed 6-0. There was no further discussion. Alderwoman Isby moved to adopt the Ordinance and Alderman Hawkins seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Grimes, Alderwoman Isby, Alderman Ledbetter, Alderman Pruitt and Alderman Hawkins. The Ordinance passed 6-0.

D. Personnel

1. Ordinance amending the employee handbook to clarify purchasing authorization levels for the City of Conway.

O-17-75

Mayor Castleberry presented Item D1 to the Council. Jamie Brice, Purchasing Manager was present to answer questions from the Council. The amendment would raise the dollar amount for purchases that require quotes from \$1,000 to \$2,500. Alderwoman Isby moved to waive the three readings and Alderwoman Mehl seconded it. The motion passed 6-0. There was no further discussion. Alderman Hawkins made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Pruitt, Alderwoman Isby, Alderman Ledbetter, Alderwoman Mehl, and Alderman Hawkins. The Ordinance passed 6-0.

There was no further discussion. The meeting was adjourned.

Adjournment

PASSED this 27th day of June 2017

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett