
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
August 14, 2018

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, Alderwoman Mehl, Alderwoman Isby, Alderman Ledbetter and Alderwoman Smith. Also, present and acting: Mayor Bart Castleberry, and City Clerk Michael Garrett and City Attorney Chuck Clawson. Alderman Pruitt and Alderman Jones were absent.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett

Minutes: July 24, 2018

Alderwoman Isby motioned to approve the **July 24, 2018** minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

1. Report of Standing Committees:

A. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Street & Engineering and Airport)

1. Consideration to approve the reappointment of members to the Health Facilities Board

Alderman Hawkins presented Item A1 to the Council and made a motion to approve the following reappointments:

Jack Bell	Term expires August 15, 2019
Robin Scott	Term Expires August 15, 2020
Jamie Gates	Term Expires August 15, 2021
Fletcher Smith	Term Expires August 15, 2022
Michael Garrett	Term Expires August 15, 2023

Alderwoman Ledbetter seconded the motion to approve. The motion carried 6-0.

2. Resolution accepting the bid for Siebenmorgan Road Half Street Improvement project – Phase II for the Community Development Department.

R-18-29

Alderman Hawkins presented Item A2 to the Council. Kiera Oluokun was present to answer questions from the Council. Alderwoman Smith moved to adopt the Resolution and Alderwoman Mehl seconded it. The motion carried 6-0.

3. Ordinance adopting regulations to govern the construction, installation, maintenance and removal of small wireless communication facilities in the right of way for the City of Conway.

O-18-80

Alderman Hawkins presented Item A3 to the Council. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion carried 6-0. City Attorney Chuck Clawson addressed the Council stating that this is the culmination of a two year project which provide standard regulations for small cell wireless company operations in the City. These standards will regulate access to our right-of-ways and addresses the permitting process and communication between these companies and Conway Corp, as well as safety and aesthetic issues. It also covers the responsibility for maintenance and repair of the equipment, prevents speculating, and provides for cost recovery. Jason Carter, City Attorney for North Little Rock was present to help answer questions from the Council. He stated that an important factor in these regulations is to protect the aesthetics

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of the community. He added that these small cell facilities are an alternative to large cell towers, although existing cell towers will remain. They can be placed strategically to cover smaller areas with faster speeds, as they can be attached to telephone poles, streetlights, etc. Alderman Grimes asked if there was any application for this regarding installations on private property. Mr. Carter answered that regulations for private property would be the same as cell towers already in place. Alderwoman Isby made a motion to adopt the Ordinance with the emergency clause and Alderwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Hawkins, Alderwoman Isby, Alderwoman Mehl, Alderman Ledbetter and Alderman Grimes. The Ordinance passed 6-0.

B. Public Safety Committee (Police, Fire, District Court, Animal Welfare Unit, Communication Emergency Operations Center, Information Technology & City Attorney)

1. Consideration to approve a bid for a dozer undercarriage replacement for a John Deere Dozer at the Sanitation Department.

Mayor Castleberry presented Item C1 to the Council. Jamie Brice, Purchasing Manager, was present to address the Council. She stated that two bids were not qualified and therefore asked that the lowest qualified bid from Stribling Equipment for \$40,227.06 be accepted. Alderwoman Isby made a motion to approve the bid consideration and Alderwoman Smith seconded. The motion carried 6-0.

2. Resolution approving the purchase of residential waste and recycling carts for the Department of Sanitation.

R-18-30

Mayor Castleberry presented Item C1 to the Council. Jamie Brice addressed the Council stating that the garbage carts have a lifespan of about 10-15 years and that we are on target to replace old carts with the requested purchase. The Department received three quotes and asked the Council to approve the bid from Rehrig Pacific Company in the amount of \$69,399.72. Alderwoman Smith moved to adopt the Resolution and Alderwoman Isby seconded it. The Resolution passed 6-0.

3. Discussion on engagement letter from Thrash Law Firm regarding the A&P Commission.

Mayor Castleberry presented Item B3 to the Council. City Attorney Chuck Clawson addressed the Council stating that this is litigation that he has been watching for some time, and is asking for approval from the Council to join the lawsuit against the online sales tax for hotels/motels with regards to our A&P tax. Alderwoman Smith made a motion to approve the representation of the City of Conway and the A&P Commission by Thrash Law Firm, P.A. in the case, *Pine Bluff A&P Commission, et al v. Hotels.com, et al Intervention and Claim*. Alderwoman Isby seconded the motion. The motion to approve passed 6-0.

4. Discussion/Update on the Raines vs. City of Conway case.

Mayor Castleberry presented Item B4 to the Council. Chuck Clawson introduced John Wilkerson of the Municipal League who addressed the Council stating that he was present to convey an offer in the Raines case. John Raines was permanently injured in an altercation with Conway Police and has sued the officers for excessive force, and the City has been sued for failing to train its officers on how to deal with mentally ill suspects. The matter has been ordered to be heard by a jury trial. Mr. Wilkerson said that he has petitioned the Supreme Court because he believes the issue should be resolved in the lower courts due to the video evidence which exists, and that proves that the officers acted responsibly and within the law. After the Council was briefed, Mr. Wilkerson stated that Mr. Raines had offered to settle the case for one million dollars, and it was the Council's decision as to whether to accept the settlement offer. After stating to the Council the different scenarios and outcomes for the case, he stated that he did not recommend settling the case. There was some discussion among the Council as to which option would be the most beneficial for the City and the officers involved. Alderwoman Smith made a motion to deny the settlement offer and to move forward with trial option, due to the fact that the Council believes the officers acted within the line

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of duty and that the evidence would prove that fact. Alderwoman Isby seconded the motion. The motion passed unanimously, 6-0.

C. Old Business

1. Consideration to approve an offer and acceptance for property located at 1111 Main Street.

Mayor Castleberry presented Item D1 to the Council. He reminded the Council that original price of the building was 4.2 million dollars and the negotiated offer is for 4 million dollars. He said that with the funds available to the City, and reserves on hand, it would not be necessary to borrow any funds for the City Hall relocation. The Council discussed using the reserve funds with the intent to replace those funds for future unexpected costs. Tyler Winningham explained to the Council that the option of tax-exempt or taxable bonds, would be complicated, if not impossible because of the private tenants in the building. Alderwoman Smith made a motion to accept and move forward with the offer of 4 million dollars (4,000,000.00) for the purchase of the building at 1111 Main Street and Alderwoman Isby seconded it. The motion passed unanimously, 6-0.

There was no further discussion. The meeting was adjourned.

Adjournment-----

PASSED this 14th day of August, 2018

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett