
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
August 22, 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, Alderman Ledbetter, Alderwoman Smith and Alderwoman Isby. Also, present and acting: City Attorney Chuck Clawson, Mayor Bart Castleberry and City Clerk Michael Garrett. Alderman Jones was not present.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett

Minutes: August 8, 2017

Alderwoman Smith motioned to approve the **August 8, 2017** minutes as submitted. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 6-0.

Mayor Castleberry brought the Council's attention to Item 10 and Item 11 of the Agenda, and asked to hold these items in Committee until the next City Council meeting on September 12, 2017. Bryan Patrick was present to clarify for the Council the determinations of the Planning Commission at their meeting on August 21, in regards to the matter. He stated that at the meeting, the motion was made to approve the rezoning and conditional use permit, and the vote was 3- for and 5-against, resulting in the Chairman declaring that the motion had been denied, when actually 6 negative votes are required for denial. So the requests for both items goes to the City Council with no recommendation, noting the Planning Commission vote of 3/5. He agreed with Mayor Castleberry that it would benefit all concerned that the matter be held until the next City Council meeting in order for all parties to prepare and understand the proposals. Alderwoman Smith made a motion to hold the items in committee and Alderwoman Isby seconded it. The motion passed 6-0.

Alderman Grimes joined the meeting.

Approval of Monthly Financial Report ending July 31, 2017:

Mr. Tyler Winningham presented to the Council the Financial Report ending July 31, 2017. He reported that the General Fund still is not in a great position but has caught up some from the last months report. He stated that the insurance turnback from LOPFI was expected to meet budgeted numbers, and that sales tax year to date is up around 4%. We have only collected 34% of the ad valorem tax at the present. Street Fund, Sanitation and Airport are all steady for the year. All of the major project funds are showing healthy balances as well. Alderwoman Smith made a motion to approve the monthly financials and Alderwoman Isby seconded. The motion passed 7-0.

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 1180 Wineberry Drive as a result of incurred expenses in the amount of \$163.18 by the City.**

R-17-40

Alderman Hawkins presented Item A1 to the Council. There was no representative to speak to this matter. Alderwoman Smith made a motion to approve the Resolution and Alderwoman Isby seconded. The Resolution passed 7-0.

- 2. Ordinance accepting and appropriating grant funds for the EPA Brownsfield Cleanup Grant.**

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O-17-86

Alderman Hawkins presented Item A2 to the Council. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded. The motion passed 7-0. There was no further discussion. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Smith, Alderman Hawkins, Alderwoman Isby, Alderwoman Mehl, Alderman Pruitt and Alderman Grimes. The Ordinance passed 7-0.

- 3. Ordinance to rezone property located west of S. Donaghey Ave, south of Spring Valley Subdivision, and east of Salem Wood Subdivision from A-1 to R-1.**

O-17-87

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 passed 7-0. Bryan Patrick of the Planning Commission addressed the Council. He stated that Planning Commission voted unanimously 8-0 to approve this rezoning. There was no further discussion. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Hawkins, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Isby, Alderman Pruitt and Alderman Grimes. The Ordinance passed 7-0.

- 4. Ordinance to rezone property located at 1200 Thomas G Wilson Dr. - 1300, 1350, and 1400 E W Martin Drive from I-3 to C-3.**

O-17-88

Alderman Hawkins presented Item A4 to the Council. Bryan Patrick stated that the Planning Commission saw no issues with this rezoning and voted 8-0 to approve. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded. The motion passed 7-0. There was no further discussion. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Isby seconded. The Clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderwoman Mehl, Alderman Hawkins, Alderman Ledbetter, Alderman Pruitt, Alderwoman Isby and Alderman Grimes. The Ordinance passed 7-0.

- 5. Ordinance to rezone property located at 2 Eve Lane from A-1 to R-1.**

O-17-89

Alderman Hawkins presented Item A5 to the Council. Bryan Patrick stated that the Planning Commission approved this rezoning and voted 8-0 to recommend approval to the City Council. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded. The motion passed 7-0. There was no further discussion. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl seconded the motion. The Clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderwoman Smith, Alderwoman Mehl, Alderwoman Isby, Alderman Hawkins, Alderman Grimes and Alderman Ledbetter. The Ordinance passed 7-0.

- 6. Ordinance to rezone property located at 655 and 700 Dave Ward Drive from I-3 to C-3**

O-17-90

Alderman Hawkins presented Item A6 to the Council. Bryan Patrick stated that the Planning Commission voted 7-1 to recommend this rezoning. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded. The motion passed 7-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith Alderwoman Isby, Alderman Pruitt and Alderman Grimes. The Ordinance passed 7-0.

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7. Consideration to approve a conditional use permit to allow restricted office in an R-2 zoning district for property located at 1344 Robins Street.

Alderman Hawkins presented Item A7 to the Council. Bryan Patrick reported that the rezoning was approved 8-0 by the Planning Commission with the customary restrictions:

1. Hours of operation: (Deemed not applicable by the Planning Commission)
2. Signage: Signage shall be limited to a non-illuminated faceplate attached to the structure no greater than 2 square feet in area. Freestanding signage shall be a non-illuminated monument or two pole sign no greater than 4 feet in height and 4 feet wide. A non-illuminated post and arm sign as defined by Conway sign regulations, may be substituted for a monument or two pole sign. No banners shall be permitted.
3. Terms of Conditional Use: The restricted office is limited to the applicant. If the applicant does not own the property within 6 months of approval, the conditional use permit shall be void. If the property is sold, the conditional use shall be void.
4. Lighting, parking, screening/buffering, and sidewalks are subject to Staff Development Review.

Angela Bird, as the applicant was present to address the Council and answer their questions. She acknowledged that she understood the restrictions placed by Planning Commission. Alderwoman Smith asked Ms. Bird what the plans were for the property and she stated that she is an attorney and plans to conduct her law office at the location. There was no further discussion. Alderwoman Smith made a motion to grant the conditional use permit and Alderwoman Isby seconded it. The motion passed 7-0.

8. Consideration to approve a conditional use permit to allow a Childcare Facility in an R-2 zoning district for property located at 2425 Tyler Street.

Alderman Hawkins presented Item A9 to the Council. Bryan Patrick stated that the Planning Commission voted 6- 1 opposed and 1 abstained on this rezoning. They set hours of operation to be M-F, 6 am to 6 pm and Saturday, 8 am to 3 pm. Gwen Galloway was present to address the Council. She stated that as she lives in a cul-de-sac two doors from the proposed Childcare Facility she is concerned about traffic issues that would be created on Tyler, getting in and out of the cul-de-sac. She stated that even though the building was design and built to be a daycare facility, she does not feel it is in the best interest of the neighborhood. Kim Tyler, the owner of the property was present to answer questions from the Council. She stated that the property in question has been in her family's possession since 1983 along with properties east and south of the property in question, which are zoned R-2. She stated that the facility has been in continual use as a daycare until 2009 when it was closed due to health issues with the operators, and has been vacant until this time. She stated that at one time the facility was licensed for 56 children, but there was not an intention to serve that many children at this time. Alderman Hawkins asked if most children would be dropped off early and picked up later than peak traffic times and Ms. Tyler stated that they would. Alderwoman Mehl expressed concern that parking for the employees would be adequate and non-disruptive to the neighborhood. Alderman Grimes made a motion to restrict this conditional use permit to this applicant only and that any future operator would have to re-apply for the conditional use permit, and that parking be made adequate for employees. Alderwoman Smith seconded the motion to approve with the conditions. The motion passed 7-0.

9. Ordinance to clarify the definition of office and allowed zoning districts; also clarifying the allowed zoning districts for pharmacy and pharmaceutical compounding.

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O-17-91

Alderman Hawkins presented Item A10 to the Council. Bryan Patrick explained that this Ordinance will clarify the City's definition of "Pharmacy" and the definition of "Office". The current definitions and allowed use categories will be deleted and replaced with new, consistent language and definitions within the new Ordinance. The Ordinance will establish correct zoning allowances for pharmaceutical compounding. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded it. The motion was passed 7-0. There was no further discussion. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Isby seconded it. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderwoman Isby and Alderman Hawkins. The Ordinance passed 7-0.

10. Ordinance to rezone property located at 1715, 1717, and 1727 S Donaghey Ave from A-1 to R-2A.
Held in Committee until September 12, 2017.

11. Consideration to approve a conditional use permit to allow religious activities and a shelter for the homeless for property located at 1715, 1717 and 1727 S. Donaghey Ave.
Held in Committee until September 12, 2017.

B. Personnel

1. Ordinance authorizing a personnel change within the Administrative Department.

O-17-92

Mayor Castleberry presented Item B1 to the Council. He stated that he feels a need in the Department for a Communications Coordinator to be the voice of the Mayor's Office, and to share with the community all the good things going on in the City. He explained that this is a part-time position, and that the salary requirements will come from Departmental funds. There was no further discussion. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. Alderman Grimes made a motion to adopt the Ordinance and Alderwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Isby, Alderwoman Smith and Alderman Ledbetter. The Ordinance passed 7-0.

There was no further discussion. The meeting was adjourned.

Adjournment

PASSED this 22th day of August 2017

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett