

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
September 24, 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 Grimes, Councilwoman Isby, Councilman Ledbetter, Councilwoman Mehl, and Councilman Pruitt. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and Deputy City Attorney Even Pence. City Attorney Chuck Clawson, Councilman Jones and Councilwoman Smith were not present.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett, City Clerk

Minutes: September 10, 2019

Councilman Ledbetter motioned to approve the **September 10, 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 August 31, 2019

Tyler Winningham, CFO reported to the Council that sales tax revenues are up again this month 2.5%, and the budget for permit revenues has been reached for the year. He added that sales tax revenues were expected to increase as the online sales tax has taken effect. However, there is no way provided by the State to determine how much of the revenues are due to online sales. Councilwoman Isby made a motion to approve the Monthly Financial Report and Councilwoman Mehl seconded it. The motion carried 6-0.

Report of Standing Committees:

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

1. Resolution acknowledging the intent of the City of Conway for the purpose of assisting in the financing of industry facility expansion of SFI Arkansas.

R-19-48

Mayor Castleberry presented Item A1 to the Council. Gordon Wilbourn of Kutak Rock addressed the Council stating that this move is a resolution of intent and that there would be a public hearing followed by an ordinance in the future, and that there would be more details provided at that time. Councilman Hawkins moved to adopt the Resolution and Councilman Ledbetter seconded it. Councilwoman Mehl stated as disclosure that her daughter was employed by SFI Arkansas. The Clerk called for a vote. The Resolution passed 6-0.

2. Consideration to approve the nomination of Jennifer Welter for a five-year term on the Housing Authority Board.

Mayor Castleberry presented Item A2 to the Council. Councilwoman Mehl moved to approve the nomination and Councilman Hawkins seconded it. The nomination was approved 6-0.

3. Resolution requesting Faulkner County Tax Collector place a lien against property located at various properties for expenses incurred by the City.

Councilman Hawkins presented the items to the Council.

R-19-49 26 Briarwood in the amount of \$148.88

No one was present to represent the property so there was no further discussion. Councilwoman Isby moved to adopt the Resolution and Councilman Hawkins seconded it. The Resolution passed 6-0.

R-19-50 2111 Tyler Street in the amount of \$160.34

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No one was present to represent the property so there was no further discussion. Councilwoman Isby moved to adopt the Resolution and Councilwoman Mehl seconded it. The Resolution passed 6-0.

R-19-51 1363 Mitchell in the amount of \$263.94

Carly Boling, owner of the property addressed the Council speaking in opposition to the lien being placed on her property. She and Robert Bell, who also lives at the residence expressed their dissatisfaction with the notification process and the way that Code Enforcement had cleaned up the property. Spencer Clawson, Code Enforcement Officer on the case spoke to the Council and said that the owner was property notified according the City code and showed photos of the condition of the yard before and after the clean-up. He stated that he felt strongly that the situation was handled correctly from beginning to end. There was discussion between the Council and the owner as to the way the property was cleared and mowed. Councilman Grimes made a motion to adopt the Resolution and Councilman Hawkins seconded it. The motion to adopt the Resolution passed 6-0.

4. Resolution to condemn the structure located at 475 East Robins, #183.

Councilman Hawkins presented Item A4 to the Council. Renter, Shelia Miller spoke in opposition to the condemnation. She asked the Council to delay the condemnation process as she had nowhere for her and her family to live. She agreed that her mobile home was in poor condition, but her desire was for the landlord to repair the home. Dr. Phillip Fletcher was present to speak on behalf of Ms. Miller. He confirmed her statements that her home was in poor condition. He was concerned for Ms. Miller and her ability to find other housing. Spencer Clawson, Code Enforcement Officer addressed the Council stating that it was not the City's intention for Ms. Miller to be without a place to live. He stressed that the mobile home was not livable and beyond repair. Mayor Castleberry stated that leaving Ms. Miller without a home is not what the City wishes to do. After discussion with the City Attorney, he asked that the matter be tabled and revisited at the next Council meeting, where the property owner can be heard from. Councilwoman Isby made a motion to table this item and Councilman Hawkins seconded it. The motion carried 6-0.

5. Ordinance appropriating funds for the Faulkner County Council on Aging for transportation services.

O-19-99

Councilman Hawkins presented Item A5 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilman Ledbetter seconded it. The motion carried 6-0. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilman Hawkins seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, Councilman Pruitt and Councilwoman Isby. The Ordinance and the emergency clause passed 6-0.

6. Ordinance to rezone +/- 10.81 acres located at the northeast corner of the intersection of McNutt Road and London Road from I-1 to R-2.

O-19-100

Councilman Hawkins presented Item A6 to the Council stating that it was reviewed by the Planning Commission at their meeting on September 16 and was voted 8-0 to be forwarded to City Council with the recommendation for approval. Councilwoman Isby made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion carried 6-0. Levi Hill of the Planning and Development Department addressed the Council stating that this rezoning represents phase III of the Campbell Cove Development. He said that the change from Industrial to Residential could be classified as a "downzone" in terms of intensity and would allow for duplex level development. Councilwoman Isby made a motion to adopt the Ordinance with the and Councilman Hawkins seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Grimes, Councilwoman Mehl, Councilman Ledbetter, Councilwoman Isby and Councilman Hawkins. The Ordinance passed 6-0.

7. Ordinance to rezone property located at 2012 Martin Street from R-2A to R-2.

O-19-101

Councilman Hawkins presented Item A7 to the Council stating that it was reviewed by the Planning Commission at their meeting on September 16 and was voted 8-0 to be forwarded to City Council with

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the recommendation for approval. Councilwoman Isby made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion carried 6-0. Levi Hill stated to the Council that this rezoning is being sought to accommodate a childcare facility. Councilman Hawkins made a motion to adopt the Ordinance with the and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Grimes, Councilwoman Isby, Councilman Pruitt, Councilman Jones, Councilwoman Mehl and Councilman Hawkins. The Ordinance passed 6-0.

8. Consideration to approve a conditional use permit to allow a childcare facility in the R-2 zoning district for property located at 2012 Martin Street.

Councilman Hawkins presented Item A8 to the Council stating that it was reviewed by the Planning Commission at their meeting on September 16 and was voted 8-0 to be forwarded to City Council with the recommendation for approval with the following conditions:

1. The use shall be subject to Development Review prior to being commenced due to unauthorized construction occurring onsite.
2. The applicant shall submit traffic management plan for drop-off and pick-up as part of the Development Review process.
3. All off-street parking shall meet the standards set forth in Articles 501 and 1101 of the Zoning Code.
4. Any expansions or additions to the structure as well as any changes to the use shall require an amended or new conditional use permit.

Councilman Hawkins moved to grant the conditional use permit and Councilwoman Mehl seconded it. The consideration for approval passed 6-0.

9. Consideration to approve a conditional use permit to allow a cellular transmission tower in the C-3 zoning district for property located at 3800 Prince Street.

Councilman Hawkins presented Item A9 to the Council stating that it was reviewed by the Planning Commission at their meeting on September 16 and was voted 8-0 to be forwarded to City Council with the recommendation for approval with the following conditions:

1. Obtain proper floodplain permit prior to construction.
2. Concrete paving of the driveway is required.
3. The transmission tower shall be constructed per the submitted plans. Changes to the plans shall require approval by the Planning Commission.

Councilman Hawkins moved to grant the conditional use permit and Councilwoman Isby seconded it. The consideration for approval passed 6-0.

10. Consideration to amend the master street and trail plan to adjust street alignments in Central Landing area.

Councilman Hawkins presented Item A10 to the Council stating that it was reviewed by the Planning Commission at their meeting on September 16 and was voted 8-0 to be forwarded to City Council with the recommendation for approval and making a motion to approve the consideration. Councilwoman Mehl seconded the motion. The motion to approve the consideration passed 6-0.

New Business

1. Ordinance to approve changes in the Non-Uniform Pension Plan.

O-19-102

Mayor Castleberry presented this item to the Council stating that Councilwoman Mehl and Tyler Winningham, CFO both serve on the Non-Uniform Pension Plan Board. Mr. Winningham addressed the Council stating to them that some adjustments to the Plan were needed. There will be no additional cost to the City as a result of these changes and no change in benefits to the participants. The changes reflect clarification regarding participants access to their contributions and a change in how contributions are taxed. Councilwoman Mehl added that these clarifications and changes were made after careful study and meetings with a local CPA and with participants who would be directly affected by the change, and the Board was confident that these changes were beneficial to the participants. Councilwoman Isby made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion carried 6-0.

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

Adjournment-----

PASSED this 24th day of September 24, 2019

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett