
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
January 09, 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 Smith, Alderman Ledbetter, Alderman Jones, Alderman Pruitt and Alderwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Attorney Chuck Clawson and City Clerk Michael Garrett.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett

Minutes: December 12, 2017

Alderwoman Isby motioned to approve the **December 12, 2017** minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Alderman Grimes made a motion to suspend the rules and move Item C1 to the top of the Agenda. Alderwoman Smith seconded the motion. The motion passed 8-0.

C. Finance

- 1. Resolution accepting the proposal and approving an agreement with Centennial Bank for banking services with the City of Conway.**

R-18-01

Mayor Castleberry presented item C1 to the Council. City Clerk Michael Garrett stated to the Council that as it is time to renew our banking services, the City requested quotes from local banks on December 8th, and received three proposals. He stated that the proposals were reviewed by himself, CFO Tyler Wittingham and Purchasing Manager Jamie Brice. Based on the interest rate and the willingness of Centennial Bank to offer its services at no charge to the City, he recommended that the bid for banking services to the City be awarded to Centennial Bank. Alderwoman Smith motioned to accept the bid for services and Alderman Ledbetter seconded it. The Resolution passed 8-0.

1. Report of Standing Committees:

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

- 1. Resolution adopting the organizational rules and procedures for the Conway City Council FY2018.**

R-18-02

Alderman Hawkins presented Item A1 to the Council. Alderwoman Isby moved to adopt the Resolution and Alderwoman Smith seconded it. There was no further discussion. The Resolution was passed 8-0.

- 2. Consideration to approve the nominations for the various boards and commissions.**

Alderman Hawkins presented Item A2 to the Council. The Boards and Commissions to be approved are as follows:

Central Business Improvement District #1:

Greg Nabholz - 6 years, Steve Magie - 6 years

Advertising and Promotion Commission:

Jeremy Gardner - 4 year term (retroactive to start on May 2017)

Alderman Hawkins made a motion to accept the nominations and Alderwoman Smith seconded it. The motion to approve passed 8-0.

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3. Ordinance approving the private club permit for Jim's Razorback Pizza located at 815 Hogan Lane.

O-18-01

Alderman Hawkins presented Item A2 to the Council. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion passed 8-0. 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": Alderwoman Mehl, Alderwoman Smith, Alderman Grimes, Alderman Hawkins, Alderman Ledbetter, Alderman Pruitt, Alderwoman Isby and Alderman Jones. The Ordinance passed 8-0.

4. Resolution requesting the Faulkner County Tax Collector place a certified lien on property located at 2145 Remington Road as a result of incurred expenses by the City.

R-18-03

Alderman Hawkins presented Item A4 to the Council. There was no one present to represent the property. Alderwoman Isby made a motion to adopt the Resolution and Alderwoman Smith seconded it. There was no further discussion. The Resolution passed 7-0.

5. Consideration to approve the transportation services agreement with Independent Living Services, Faulkner County Council on Aging and Boys & Girls Club of Faulkner County.

Alderman Hawkins presented Item A5 to the Council stating that the three items were budgeted at \$78,000 for the Boys & Girls Club of Faulkner County, \$69,000 for the Faulkner County Council on Aging and \$30,000 for the Independent Living Services. He made a motion to approve the agreements and Alderwoman Mehl seconded it. There was no further discussion. The motion to accept the agreements passed 8-0.

6. Consideration to approve the bid for annual materials and services for the Street & Engineering Department.

Alderman Hawkins presented Item A6 to the Council. Purchasing Manager Jamie Brice addressed the Council stating that bids were taken for these regular items and requested approval to accept the lowest bid on each item. Alderwoman Smith moved to approve the bids and Alderwoman Isby seconded it. The motion was passed 8-0.

7. Consideration to approve the bid for concrete planters for the 6th Street Overpass for the Street & Engineering Department.

Alderman Hawkins presented Item A7 to the Council. Jamie Brice requested approval to accept the lowest bid, which came in \$20,000 under budget. Alderwoman Smith made a motion to accept the bid and Alderwoman Isby seconded it. The motion passed 8-0.

8. Ordinance appropriating funds for Parkway Parking Lot Improvements for the Street & Engineering Department.

O-18-02

Alderman Hawkins presented Item A8 to the Council. Finley Vinson of the Street & Engineering Department was present to address the Council stating that this ordinance would provide funds to replenish the funds for the Street & Engineering Department. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded it. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Jones, Alderman Grimes, Alderwoman Isby, Alderman Ledbetter and Alderwoman Smith. The Ordinance passed 8-0.

9. Ordinance establishing a neighborhood traffic calming program to minimize the impact of traffic in residential neighborhoods.

Alderman Hawkins presented Item A9 to the Council. Finley Vinson addressed the Council stating that the goal of this Ordinance is to make the current policy more concise and streamlined, making it easier

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to understand and follow. Alderman Ledbetter and Alderwoman Smith inquired about the \$250.00 fee for application for traffic calming measures. Mr. Vinson stated that the amount of work involved in determining qualification justified the fee. Alderwoman Mehl expressed concern that neighborhoods without an organized association would not be able to meet the requirements for a Traffic Calming Committee, or be able to put together the funds for the fee. Mr. Vinson stated that an option without a fee was possible, and would require only a Resolution. However he recommended not passing the Ordinance without the fee due to the increased number of requests by citizens for traffic calming measures. Every application would require evaluation which would substantially increase labor times for Street Department employees. There was considerable discussion among the Council as to the types of streets and neighborhoods that would be affected by the Ordinance requirements. Alderwoman Mehl made a motion to table the item until further research could be done. Alderwoman Smith seconded the motion. There was no further discussion. The motion to table passed 8-0.

10. Ordinance accepting and appropriating donation funds for the Conway Tree Board for Arbor Day.

O-18-03

Alderman Hawkins presented Item A10 to the Council. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion passed 8-0. 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 Ledbetter, Alderwoman Isby, Alderman Grimes, Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Jones, and Alderwoman Smith. The Ordinance passed 8-0.

11. Ordinance accepting and appropriating proceeds from Faulkner County for GIS work per interlocal agreement for use by the Planning & Development Department.

O-18-04

Alderman Hawkins presented Item A11 to the Council. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion passed 8-0. 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": Alderwoman Smith, Alderman Ledbetter, Alderwoman Mehl, Alderman Pruitt, Alderman Jones, Alderman Hawkins, Alderman Grimes and Alderwoman Isby. The Ordinance passed 8-0.

12. Consideration to approve the procedure for the process of renaming streets for the Planning & Development Department.

Alderman Hawkins presented Item A12 to the Council. Bryan Patrick with the Planning Department addressed the Council stating that it is the Department's desire to solidify a procedure for reference in future projects. The policy includes an application fee to deter all but sincere requests. It also requires a petition with 51% participation by those affected. The process ultimately culminates with a change by Resolution and then Ordinance. Alderwoman Smith made a motion to approve the new procedure and Alderwoman Mehl seconded it. The consideration to approve passed 8-0.

13. Ordinance rezoning property located at 385 Denison Street from R-2 to MF-3.

O-18-05

Alderman Hawkins presented Item A13 to the Council stating that this rezoning was reviewed by the Planning Commission at their meeting of December 18, 2017 and where it was voted 8-1 to be sent to City Council with a recommendation for approval. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded it. The motion passed 8-0. Alderwoman Isby asked about the drainage situation for this property and how the MF-3 development would affect it. Finley Vinson of the Street Department addressed the issue stating that he saw no cause for concern. 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": Alderwoman Isby, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Hawkins and Alderman Jones. The Ordinance passed 8-0.

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14. Consideration to approve a conditional use permit to allow religious activities in A-1 (Agricultural) zoning district for property locate at 1715, 1717, & 1727 South Donaghey Avenue.

Alderman Hawkins presented Item A14 to the Council stating that this rezoning was reviewed by the Planning Commission at their meeting of December 18, 2017 and where it was voted 7-2 to be sent to City Council with a recommendation for approval without conditions. Rick Harvey, Director of Soul Food Café Mission, was present to address the Council stating that they are seeking a conditional use permit to continue the work they have done in the City for many years. He said they had met with residents to discuss and address their concerns and have offered to them several conditions as a gesture of good will and cooperation. The conditions of the permit are as follows:

- 1) Hours of operation between 6:00 am and 10:00 pm.
- 2) No overnight stays for those seeking assistance. Soul Food Café Mission would not use the property as a homeless shelter as part of its use under religious activity.
- 3) Soul Food Café Mission would not use Violet Street to access the property. Donaghey Avenue will be the only means of ingress and egress.
- 4) The conditional use permit granted would be for the Mission only.
- 5) The Mission would construct an 8 foot fence on the northern side of the property for privacy shielding.

David Georgie, President of Spring Valley Homeowners Association spoke in favor of the conditional use permit. Alderwoman Mehl moved to grant the conditional use permit to Soul Food Café Mission with the 5 conditions as stated. Alderman Jones seconded the motion. The motion passed 8-0.

15. Consideration to approve a conditional use permit to allow up to 12 dwelling units per acre in R-2 (Low Density Residential) zoning district for property located at 1405 E Siebenmorgan Road.

Alderman Hawkins presented Item A15 to the Council stating that this rezoning was reviewed by the Planning Commission at their meeting of December 18, 2017 and where it was voted unanimously to be sent to City Council with a recommendation for approval with certain conditions as follows:

- 1) The development shall be generally developed as shown on the submitted site plan and elevations. Minor variations from the submitted plans shall be allowed for technical reasons. However, the density and intent of the plans shall be followed.
- 2) The development is limited to 60 residential units maximum.
- 3) A reduced landscaping area is allowed on the north boundary of the property.
- 4) Exterior building materials; brick, "shake" style vinyl siding, and architectural roof shall be used as shown on the submitted elevations.
- 5) Platting shall be required. Additional right of way, sidewalks, etc. as required by the Subdivision Ordinance shall be dedicated and constructed.
- 6) A 6' wooden privacy fence is required along the entire north boundary and along the north 162.5' of the west and east boundaries.

Alderman Hawkins moved to grant the conditional use permit and Alderman Ledbetter seconded it. Tyler Turchi, representing Alpha Holdings, addressed the Council stating that as the present zoning of R-2 allows 20 duplexes or 40 units, he felt it was not unreasonable to ask for an increase to 60 units on the conditional use permit. He said there would be 8 one-bedroom units and 52 two-bedroom units. The rent would be \$800/mo. for the two-bedroom townhomes and \$600/mo. for the one-bedroom units. He stated that they felt this was an affordable rental option for the area. Dennis Gunter, property owner, was present to speak in favor of the conditional use permit. Brooklyn Morgan addressed the Council in opposition to the permit. She stated that she represented property owners in Nicole's Place, McKenna Cove and the homes directly behind the proposed property development. She stated that one of the concerns held by these homeowners is the increase in traffic that would be caused by the development. Other concerns were noise and safety due to the density of population and its increase. Lisa Davidson, Preston Grumbles, Amanda Messmer, Bridgett Wallace, Bill Freyaldenhoven, Tracy Davidson and William Schiestel also spoke in opposition to the conditional use permit, voicing concerns over traffic issues on Siebenmorgan Road as well as safety and privacy issues for the surrounding neighborhoods and schools. Mayor Castleberry brought the matter back to the Council. Alderwoman

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Mehl and Alderman Grimes asked Finley Vinson, Street & Engineering Department about extending the turn lane onto the property from Siebenmorgan Drive, and about the curbs and gutters along the portion of road being discussed. He stated that there was room for that portion to be widened to three lanes to include a turn lane. He said that curbs and gutters could be added as well. There was discussion among the Council questioning the need for multi-family housing in the area. Alderman Grimes pointed out that the property is in fact, presently zoned R-2, and he felt that the proposed development is a better solution than duplex homes which would be allowed under the present zoning. After some discussion amongst the Council, Mayor Castleberry called for a vote. The motion to grant a conditional use permit failed 5-3, with Alderman Ledbetter, Alderman Grimes and Alderman Hawkins voting "YES", and Alderwoman Isby, Alderman Jones, Alderwoman Smith, Alderwoman Mehl and Alderman Pruitt voting "NO".

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

1. Consideration to approve the proposal for concession operations for the Parks & Recreation Department.

Mayor Castleberry presented Item B1 to the Council. Jamie Brice, Purchasing Manager addressed the Council stating that three bids were received for concessions. After reviewing the bids it was determined that Taylor Concessions met all the criteria to the satisfaction of the review team. Alderwoman Smith moved to accept Taylor Concessions and Alderman Jones seconded it. The motion passed 8-0.

**2. Ordinance dedicating certain lands located in the Charleston Place Subdivision for public use as a park.
O-18-06**

Mayor Castleberry presented Item B2 to the Council. Steve Ibbotson, Parks and Recreation was present to answer any questions from the Council. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded. The motion passed 8-0. Alderman Jones made a motion to adopt the Ordinance and Alderwoman Smith seconded it. The Clerk called the roll with the following voting "Aye: Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Hawkins, Alderwoman Isby, Alderman Grimes, Alderman Jones and Alderman Pruitt. The Ordinance passed 8-0.

There was no further discussion. The meeting was adjourned.

Adjournment

PASSED this 9th day of January, 2018

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett