

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett, City Clerk

Minutes: January 8, 2019

Alderwoman Smith motioned to approve the **January 8, 2019** minutes as submitted. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

Approval of the monthly financial report ending December 31, 2018

Tyler Winningham, CFO, addressed the Council stating that overall, 2018 was a good year for the City. He stated that the end of the year revenues were strong, and when the audit is complete that the bottom line for 2018 will be similar to 2017. He added that Sales Tax for the year was up just under 4.5%, and for the month of December it was up 7% over the same month last year. The Beverage tax performed well, as well as franchises taxes and building permits- all indicators of a healthy economy. He stated that the Street fund added approximately \$350,000 to their reserves. The sales tax turn back for street repair came in at 23% over what was budgeted. Sanitation revenues were up 5% over budget, and interest income was up due to large balances in the accounts earlier in the year and interest rate increases from Centennial Bank. The Airport had a negative bottom line but had reserves to cover it successfully. Alderwoman Smith made a motion to approve the monthly financial report and Alderwoman Isby seconded it. The motion to approve passed 7-0.

Mayor Castleberry asked Council to suspend the rules and move Item E1 to the front of the meeting. Alderwoman Smith moved to suspend the rules and Alderman Ledbetter seconded it. The motion carried 7-0. John Tisdale with Wright, Lindsey & Jennings and representing USABLE and Blue Cross Blue Shield, addressed the Council stating that in October 2012 the City of Conway approved a taxable bond issue, the proceeds from which built a data storage/processing facility in Conway, creating 29-30 jobs. The monies were provided by Centennial Bank and the land was owned by the City and leased to Blue Cross Blue Shield. The bonds were paid off at the end of 2018. Per the terms of the lease, USABLE Blue Cross Blue Shield has the option to purchase the facility for an additional payment of \$100.00. Chuck Clawson has received a special warranty deed to be executed by the City to transfer ownership of the facility and property to USABLE Blue Cross Blue Shield. There were no questions or discussion from the Council. Alderwoman Mehl made a motion to approve the transaction and Alderwoman Smith seconded it. The motion carried 7-0.

Report of Standing Committees:

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

1. Consideration to approve the nomination of Patricia Blencowe to the Conway Housing Authority Board.

Alderman Hawkins presented Item A1 to the Council and moved to approve the nomination and Alderwoman Smith seconded it. There was no further discussion. The motion to approve carried 7-0.

2. Resolution requesting the Faulkner County Title Collector place a certified lien in the amount of \$176.28 on property located at 2137 Poplar as a result of incurred expenses by the City.

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Alderman Hawkins presented Item A2 to the Council. There was no one present to represent the property. Alderwoman Smith made a motion to adopt the Resolution and Alderwoman Isby seconded it. The motion passed 7-0.

3. Ordinance amending O-18-56 to clarify the subdivision regulations for intersections and alignment.

O-19-08

Alderman Hawkins presented Item A3 to the Council. Finley Vinson, Director of the Transportation Department addressed the Council clarifying the changes in the Ordinance wording. Alderwoman Smith moved to waive the three readings and Alderwoman Isby seconded it. Alderwoman Isby made a motion to adopt the Ordinance and Alderwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Ledbetter, Alderwoman Isby, Alderman Pruitt and Alderman Jones. The Ordinance passed 7-0.

4. Consideration to approve annual bids for materials and services for the Transportation Department.

Alderman Hawkins presented Item A4 to the Council. Jamie Brice, Purchasing Manager asked the Council to approve the lowest bid for the materials for the Transportation Department. Alderwoman Smith moved to approve the bids and Alderwoman Isby seconded it. The motion carried 7-0.

5. Ordinance appropriating funds and approving professional services for intersection improvements for the Transportation Department.

O-19-09

Alderman Hawkins presented Item A5 to the Council. Jamie Brice told the Council that RFQs were accepted and asked that McClelland be approved to study six intersections within the City. Alderwoman Smith moved to waive the three readings and Alderwoman Isby seconded it. There was no 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 Mehl, Alderman Ledbetter, Alderman Hawkins, Alderman Jones, Alderwoman Smith, Alderwoman Isby, and Alderman Pruitt. The Ordinance passed 7-0.

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

1. Ordinance appropriating grant funds received from Arkansas Parks & Tourism for the Parks & Recreation Department.

O-19-10

Mayor Castleberry presented Item B1 to the Council. Candy Jones, Grants Administrator addressed the Council stating that these funds were the closeout of the Splash Pad at Laurel Park and asked that Council approve the Ordinance to appropriate. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded it. The motion carried 7-0. Alderwoman Isby made a motion to adopt the Ordinance and Alderwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Isby, Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Pruitt, Alderwoman Smith, and Alderman Ledbetter. The Ordinance passed 7-0.

2. Ordinance appropriating funds for the bike share program with Zagster for the Parks and Recreation Department.

O-19-11

Mayor Castleberry presented Item B2 to the Council. Steve Ibbotson, Director of Parks and Recreation addressed the Council stating that this is the third and final appropriation under this contract. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion carried 7-0. Alderman Jones made a motion to adopt the Ordinance and Alderwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Mehl, Alderman Pruitt, Alderman Hawkins, Alderwoman Smith, Alderwoman Isby and Alderman Jones. The Ordinance passed 7-0.

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3. Consideration to enter into an (amended) donation and easement agreement with Southridge properties for the Parks & Recreation Department.

Mayor Castleberry presented Item B3 to the Council. Steve Ibbotson and Chuck Clawson, City Attorney addressed the Council. Mr. Clawson stated that there was an entity issue with a piece of property. Attorney Richard Levin was present and addressed the Council stating that the entity issue was resolved and that Southridge Properties was donating the parcel to the City for future trail development. There was no further discussion. Alderwoman Smith moved to enter into the donation and easement agreement and Alderwoman Mehl seconded it. The consideration was approved 7-0.

4. Consideration to approve the proposal for youth sports uniforms for the Parks and Recreation Department.

Mayor Castleberry presented item B4 to the Council. Jamie Brice, Purchasing Manager addressed the Council stated that four RFPs were received and asked for approval for the lowest bidder, Randy's Athletic Shop. Alderwoman Smith made a motion to approve and Alderman Ledbetter seconded it. The motion passed 7-0.

C. Public Safety Committee (Police, Fire, District Court, Animal Welfare Unit, CEOC-Communication Emergency Operations Center, Department of Information Systems & Technology, & Office of the City Attorney)

1. Ordinance accepting and appropriating grant funds for the Animal Welfare Unit.

O-19-12

Mayor Castleberry presented Item B1 to the Council. Shona Osborne, of the Animal Welfare Unit addressed the Council stating the grant was from the ASPCA to change the chemicals used in the shelters. She said the funds will cover all costs for the use of the chemicals. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion carried 7-0. Alderwoman Isby made a motion to adopt the Ordinance and Alderwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Jones, Alderwoman Mehl, Alderman Ledbetter, Alderman Hawkins, Alderman Pruitt and Alderwoman Isby. The Ordinance passed 7-0.

D. Finance

1. Ordinance appropriating fiscal year 2018 funds for administrative overages.

O-19-13

Mayor Castleberry presented Item D1 to the Council. Tyler Winningham went over the overages with the Council explaining that they were due to property taxes on hangars at the airport, insurance on the Federal Building for the new City Hall and bond arbitrage preparation fees. The City needs to appropriate \$51,700 from the General Fund Balance Appropriation Account to cover the overages. Alderwoman Smith moved to waive the three readings and Alderwoman Isby seconded it. The motion carried 7-0. Alderwoman Isby made a motion to adopt the Ordinance and Alderwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Isby, Alderman Hawkins, Alderwoman Smith, Alderman Ledbetter, Alderman Jones and Alderwoman Mehl. The Ordinance passed 7-0.

E. New Business

1. Consideration to approve a warranty deed for Arkansas Blue Cross/Blue Shield (USABLE Corporation) for property located at 600 Ledgelawn Drive.

This item was moved to the beginning of the Agenda.

Mayor Castleberry asked Council to suspend the rules to hear an update on the Raines vs. City of Conway lawsuit. Alderwoman Smith moved to suspend the rules and Alderwoman Mehl seconded it. The motion carried 7-0.

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John Wilkerson with the Municipal League addressed the Council stating that the Supreme Court denied our petition for Writ Certiorari, and as a result we are facing trial February 25th at the Federal District Court in Little Rock, under Judge Jay Moody. He stated that the general consensus is still that the officer's acted appropriately and within the law in this situation. He offered to answer any questions from the Council. The Council members expressed their resolve to stand behind the officers in this matter.

There was no further discussion. The meeting was adjourned.

Adjournment-----

PASSED this 22nd day of January, 2019

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett