
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
March 28, 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, Alderwoman Smith, and Alderman Jones. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and City Attorney Chuck Clawson.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett

Minutes: March 14, 2017

Alderwoman Smith motioned to approve the **March 14, 2017** minutes as submitted. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

Approval of Monthly financial Report ending February 28, 2017:

Tyler Winningham, CFO, reviewed the financial reports for General, Street, Sanitation, Airport and Special projects for the Council. Alderwoman Smith motioned to adopt the monthly financial reports ending January 31, 2017. Alderman Jones seconded the motion. There was no further discussion. The motion passed 7-0.

1. Report of Standing Committees:

A. Public Hearing/Ordinance to discuss the closing of certain utility easements located on Lewis Ranch Subdivision, Phase 1.

O-17-31

Mayor Castleberry declared the public hearing open. Kenny Slusher of the Tyler Group was present to address the Council as representative of the Lewis Ranch Subdivision. As there were no questions or comments, Mayor Castleberry declared the public hearing closed. Alderwoman Smith made a motion to waive the three readings and Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderman Jones made a motion to approve the ordinance and Alderwoman Smith seconded the motion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, and Alderman Jones. The motion to approve the ordinance passed 7-0.

B. Community Development Committee (Planning, zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)

1. Resolution requesting the Faulkner County Tax Collector place a certified lien against property located at 1675 Duke Street for incurred expenses by the City of Conway.

R-17-12

Alderman Hawkins presented Item B1 to the Council. The lien amount for the property in question is \$143.12. There was no one present to address the Council. Alderwoman Smith made a motion to approve the Resolution. Alderwoman Mehl seconded the motion. The motion passed 7-0.

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2. Ordinance accepting federal funding and appropriating grant funds for the Community Development Block Grant Program.

O-17-32

Alderman Hawkins presented Item B2 to the Council. Kiera Oluokun, Community Development Director, was present to address the Council. She stated that the City has received the CDBG funding for 2016 in the amount of \$380,063.00 and the funds were being appropriate for use as stated in the action plan and resolution of 2016. She also pointed out that the fiscal year has changed for 2017, from July 1st to June 30th. Alderman Hawkins read the amounts of the funding as assigned by the Ordinance:

\$247,042	Pine Street Area Revitalization
\$17,000	Faulkner County Council on Aging Transportation
\$3,000	Bethlehem House Transportation
\$9,500	Boys and Girls Club Transportation
\$6,000	Faulkner County Day School Transportation
\$14,000	Independent Living Services Transportation
\$4,500	Women's Shelter of Central Arkansas Transportation
\$76,012	Administration

**Alderman Sheila Isby joined the meeting.*

Alderman Smith made a motion to waive the three readings. Alderman Mehl seconded the motion. The motion passed 8-0. Alderman Smith made a motion to adopt the ordinance and Alderman Mehl seconded the motion. The Clerk called the roll with the following voting "Aye": Alderman Mehl, Alderman Ledbetter, Alderman Hawkins, Alderman Jones, Alderman Smith, Alderman Isby, Alderman Pruitt, Alderman Grimes. The motion to adopt the ordinance passed 8-0.

3. Consideration to approve the bid for the Scrap Metal Yard Remediation/Cleanup project.

Alderman Hawkins presented Item B3 to the Council. Mr. Hawkins explained that Prewett Enterprises, Inc. were the apparent low bidder with a base bid of \$147,558.50. Although their bid is significantly lower than the other four bids, after review by FTN and Associates, City Engineering and Mayor Castleberry, it is the recommendation that Prewett Enterprises, Inc. be awarded the contract for the Conway Scrap Metal Remediation/Cleanup project. Alderman Hawkins motioned to approve the low bid and Alderman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

4. Consideration to approve FTN & Associates to provide professional services for the oversight of Brownfields Cleanup Plan implementation and final report for the preparation for the former Conway Scrap Metal Site.

Alderman Hawkins presented Item B4 to the Council. Scott Grummer, City Planner was present to address the Council. He stated that the City is in the final stages of the cleanup project and that FTN & Associates is the Engineering Firm that has done the background technical work for the cleanup. Their fee is \$91,000.00 to oversee the project on-site, ensuring that soils are tested

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appropriately, etc. and to the State's standards. Alderwoman Smith made a motion to approve the consideration and Alderwoman Mehl seconded it. There was no further discussion. The approval passed 8-0.

5. Resolution in support of the use of the Sanitation tipping services as part of the Match requirement for the Conway Scrap Metal Remediation project

R-17-13

Alderman Hawkins presented Item B5 to the Council. Scott Grummer stated that as they had received a \$200,000 grant from EPA for the Brownfield cleanup and the City appropriated \$40,000 match, there was a balance of \$158,083 for the project. The Resolution would provide a reduction in Tipping Fees for the Sanitation Department to offset the costs for remediation. At this time the reduction costs are estimated to be no more than \$28 per ton but the actual amount would be determined during cleanup. Alderwoman Smith made a motion to adopt the resolution and Alderwoman Mehl seconded the motion. There was no further discussion. The resolution passed 8-0.

6. Resolution approving support from the City of Conway to Old Conway Village, LP for the construction of Affordable dwellings located in the Pine Street Neighborhood

R-17-14

Alderman Hawkins presented Item B6 to the Council, and stated that the matter was discussed in the earlier Committee meetings. Alderman Theodore Jones made a motion to adopt the resolution and Alderwoman Sheila Mehl seconded the motion. There was no further discussion. The motion to adopt the resolution passed 8-0.

7. Ordinance setting the appropriate speed limit within the City of Conway business district, residential district, and school premises

O-17-33

Alderman Hawkins presented Item B7 to the Council. Alderwoman Smith made a motion to waive the three readings and Alderwoman Mehl seconded the motion. Alderwoman Smith made a motion to adopt the ordinance and Alderwoman Isby seconded the motion. The motion passed 8-0. Alderman Hawkins discussed changing the language of the ordinance to clarify "residential" and "business" designations. Alderwoman Mehl confirmed that the definitions should be in line with the City Master Street Plan. After discussion among the Council, Finley Vinson of the Street Department was asked to clarify the definitions in question. Mr. Vinson stated that the best way to set the standard is to abide by the Master Street Plan definitions. After much discussion amongst the Council there was a motion to approve the ordinance with an amendment of 25-20 on residential streets per the Master Street Plan. The motion passed 8-0. Finley Vinson suggested that the designation (C-1) zoning district be added to the ordinance for further clarification. Alderwoman Mehl made a motion to adopt the ordinance with the stated amendments. Alderman Grimes seconded the motion. There was no further discussion. The Clerk called the roll with the following votes cast, resulting in a tie: Alderwoman Isby: No, Alderwoman Mehl: Yes, Alderman Hawkins: Yes, Alderman Grimes: Yes, Alderman Jones: No, Alderman Pruitt: Yes, Alderwoman Smith: No, Alderman Ledbetter: No. Mayor Castleberry voted in favor of adopting the ordinance resulting in the ordinance passing 5-4.

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8. Ordinance appropriating funds for the repair and maintenance of the City's fuel tank system

O-17-34

Alderman Hawkins presented Item B8 to the Council stating that it is an accounting measure to appropriate funds to cover the repair. Alderwoman Smith made a motion to waive the three readings and Alderwoman Mehl seconded the motion. The motion passed 8-0. There was no further discussion. Alderwoman Isby made a motion to adopt the ordinance and Alderman Jones seconded the motion. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Mehl, Alderman Pruitt, Alderman Hawkins, Alderwoman Smith, Alderwoman Isby, Alderman Jones and Alderman Grimes. The motion to adopt the ordinance passed 8-0.

9. Ordinance to rezoning property located at 1510 South Donaghey Avenue from R-1 to PUD

O-17-35

Alderman Hawkins presented Item B9 to the Council stating that the matter was reviewed by the Planning Commission at their March meeting where it was voted 7-2 to forward to City Council with the recommendation for approval, subject to the final development plan conditions and staff recommendations as stated in a memo from the Planning Commission Chairman, Anne Tucker.

1. Exterior composed of brick, rock, or cement fiber board (i.e. Hardie board)
2. No vinyl siding. Vinyl siding and fascia allowed on gables and dormers only or cement fiber board.
3. 8/12 roof pitch or greater unless porches.
4. Garages cannot protrude past front of house more than 7 feet unless side entry.
5. Architectural shingles or metal roofing only.
6. Heavy landscaping on fronts.
7. Brick/rock walls and entrances on South Donaghey Avenue.
8. Highlight front porches as much as possible.
9. Minimum 9' ceilings throughout, 10' preferred.
10. Granite or solid surface countertops required.
11. Each home will be different.

Alderwoman Smith made a motion to waive the three readings and Alderman Jones seconded it. The motion passed 8-0. There was no further discussion. Alderman Jones motioned to adopt the ordinance with the conditions stated and Alderwoman Smith seconded the motion. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderman Jones, Alderman Grimes, Alderman Hawkins, Alderwoman Smith, Alderwoman Isby, Alderman Pruitt, and Alderwoman Mehl. The motion to adopt the ordinance passed 8-0.

10. Consideration to approve a conditional use permit request to allow MF-1 density in an R-2A zoning district for property located at 1907 Clifton Street

Alderman Hawkins presented Item B10 to the Council stating that the item was reviewed by the Planning Commission at their meeting on March 13, 2017 and at that time was voted 9-0 to be forwarded to City Council with the recommendation of approval, with some conditions.

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1. 3 single-family residential units maximum shall be allowed on the property. All units must be detached single-family residences.
2. The primary building material must be brick or cement fiber board (i.e. Hardie board)
3. Driveway curb cuts shall have 12 feet maximum width. Wider parking pad areas are allowed further into the property.
4. Planting of trees at a ratio of 1 per 30 feet along Rushing Circle; 2" caliper at time of planting, per development review standards shall be required.

Alderman Hawkins motioned to approve the conditional use permit request and Alderwoman Smith seconded it. There was no further discussion. The motion passed 8-0.

C. Public Services Committee (Sanitation, Parks & Recreation & Physical Plant)

1. Consideration to dispose of fixed asset inventory (vehicles and equipment) of the Department of Sanitation

Mayor Castleberry presented Item C1 to the Council. Joe Hopper was present to address the Council and answer questions. Alderwoman Isby seconded the motion. There was no further discussion. The motion to approve the disposal of the fixed asset inventory was passed 8-0.

2. Resolution authorizing the Department of Sanitation to conduct citywide cleanups for the City of Conway

R-17-15

Mayor Castleberry presented Item C2 to the Council adding that these cleanups would coincide with the County's declaration of April being "Cleanup Faulkner County Month". Joe Hopper addressed the Council stating that four sites had been chosen for the cleanups, (One site for each Ward) and will be a two-day event also coinciding with the e-waste drive at the Sanitation facility. Alderwoman Smith made a motion to adopt the resolution and Alderwoman Isby seconded the motion. There was no further discussion. The motion to adopt the resolution passed 8-0.

3. Ordinance appropriating funds & authorizing the City to enter into an agreement with Sowell Architects for the professional services agreement for the tennis courts located at Laurel Park

O-17-36

Mayor Castleberry presented Item C3 to the Council. Steve Ibbotson was present to address the Council. Mr. Ibbotson reminded the Council that the agreement with Sowell Architects had been approved previously and that as Mr. Sowell had agreed to charge a flat fee instead of the customary percentage, Council was being asked to approve the fee for the services. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded the motion. The motion was passed 8-0. There was no further discussion. Alderwoman Smith motioned to adopt the ordinance and Alderwoman Isby seconded the motion. The Clerk called the roll with the following answering "Aye": Alderman Hawkins, Alderman Pruitt, Alderman Jones, Alderman Grimes, Alderman Ledbetter, Alderwoman Smith, Alderwoman Isby and Alderwoman Mehl. The motion passed 8-0.

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4. Consideration to approve the revisions to the Conway Expo, Event Center, & Fairground and the McGee Center meeting rooms use agreement for the Parks & Recreation Department

Mayor Castleberry presented Item C4 to the Council. Mr. Ibbotson addressed the Council and referred them to the documents they received in an email earlier. He pointed out that there were some minor changes in the Expo Center contract that allows the actual depositing of funds paid as deposit on the facility. It is also requested that there not be a non-profit rate for rental of the Expo Center. Catering documents are also included in order to track services being offered. Mr. Ibbotson asked the Council to approve the operating agreement with the McGee Center included as a line item, but it was understood that no fees would be charged for use of that facility. Alderwoman Smith made a motion to approve the consideration with the revisions and Alderwoman Mehl seconded the motion. The motion passed 8-0.

D. Public Safety Committee (Police, AWU, CEOC, Fire, District Court, Information Technology, & City Attorney)

1. Ordinance appropriating asset forfeiture funds to the Conway Police Department for training

O-17-37

Mayor Castleberry presented Item D1 to the Council. Chief of Police Jody Spradlin was present to address the Council. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded the motion. The motion passed 8-0. There was no further discussion. Alderman Jones made a motion to adopt the ordinance. Alderwoman Isby seconded the motion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Pruitt, Alderman Grimes, Alderwoman Isby, Alderman Ledbetter, Alderman Hawkins, Alderman Jones, and Alderwoman Smith. The Motion to adopt the ordinance passed 8-0.

2. Ordinance appropriating reimbursement funds from various entities for the City of Conway

O-17-38

Mayor Castleberry presented Item D2 to the Council. Chief Spradlin stated to the Council that this was a general accounting ordinance for the department to replenish their expenditure accounts. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded the motion. The motion passed 8-0. There was no further discussion. Alderwoman Smith made a motion to adopt the ordinance. Alderwoman Isby seconded the motion. The clerk called the roll with the following voting "Aye": Alderwoman Isby, Alderman Pruitt, Alderman Jones, Alderwoman Mehl, Alderwoman Smith, Alderman Grimes, Alderman Ledbetter and Alderman Hawkins. The motion to adopt the ordinance passed 8-0.

3. Ordinance to consider waiving the competitive bid process for the purchase of a command incident communication device for the Conway Police Department SWAT Team

O-17-39

Mayor Castleberry presented Item D3 to the Council. Chief Spradlin reminded the Council that the Department received a SWAT Grant from the Arkansas Department of Emergency Services in the

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amount of \$120,000 and this item was submitted to be purchased with these funds. Since the company is the sole provider of the communication device, it is requested that the bid process be waived. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded the motion. The motion passed 8-0. There was no further discussion. Alderwoman Smith made a motion to adopt the ordinance with the emergency clause. Alderwoman Isby seconded the motion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Hawkins, Alderwoman Isby, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, and Alderman Grimes. The motion to adopt the ordinance passed 8-0.

E. Personnel

- 1. Ordinance amending the employee handbook regarding the purchasing policies for the City of Conway.**

O-17-40

Mayor Castleberry presented Item E1 to the Council stating that it has been asked that the item be held in committee until the next scheduled Council meeting date. Alderwoman Smith made a motion to hold the item in committee and Alderwoman Isby seconded the motion. The motion passed 8-0.

There was no further discussion. The meeting was adjourned.

Adjournment

PASSED this 28th day of March 2017

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett