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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday, 6:30 pm  
September 12, 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, Alderman Jones and Alderwoman Isby. Also, present and acting: City Attorney Chuck Clawson, Mayor Bart Castleberry and City Clerk Michael Garrett.

**Call to Order: Mayor Bart Castleberry**

**Roll Call: Michael O. Garrett**

**Minutes: August 22, 2017  
September 5, 2017 Special Meeting**

Alderwoman Smith motioned to approve the **August 22, 2017** and the **September 5, 2017 Special City Council Meeting** minutes as submitted. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

Alderwoman Mehl made a motion to suspend the rules and move Items A9 and A10 to the top of the Agenda. Alderwoman Smith seconded it. The motion passed 8-0.

Mayor Castleberry reported to the Council that he had been informed that Item 9 on the Agenda - Request to rezone property located at 1715, 1717 and 1727 S Donaghey Ave from A-1 to R-2A, and Item 10- 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. had been withdrawn. Mr. David Hogue, representing the Soul Food Café was present to address the Council. He stated that after careful consideration and due to the contention that the request has caused between the neighborhood and the organization, they had decided to withdraw the request and would look into other options. He requested a 2 week delay to look at what Soul Food Café is allowed to do within the present zoning. Alderman Grimes made a motion to approve the request to withdraw the request for rezoning and Alderman Pruitt seconded it. The motion passed 8-0.

Alderman Jones left the meeting.

**1. Report of Standing Committees:**

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

**1. Ordinance setting a date for a special election for the purpose of street improvements for the City of Conway.**

**O-17-93**

Alderman Hawkins presented Item A1 to the Council. Chuck Clawson, City Attorney gave the second reading of the Ordinance: An Ordinance calling and setting a date for a special election on the question of the levy of a general local sales and use tax at the rate of three-eighths of one percent (0.375%) within the City for the purpose of making improvements to streets within the City, which tax shall cease as of March 31, 2023; prescribing other matters pertaining thereto; and declaring an emergency. Alderman Grimes made a motion to waive the third reading and Alderman Hawkins seconded it. The motion passed 8-0. Alderman Grimes made a motion to adopt the Ordinance with the emergency clause and Alderman Hawkins seconded it. Mayor Castleberry opened the meeting to public comments. Jared Bridgeman addressed the Council with the question of why the urgency of the special election. Mayor Castleberry replied that the urgency is due to the cost of repairs needed immediately and the dollar amount that would be spent on street repairs between now and

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## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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the regular 2018 election, compared to the cost of a special election. 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 and Alderman Pruitt. Alderwoman Isby voted "No". The Ordinance passed 6-0.

Mayor Castleberry stated that there would be provided a list of planned street repairs and that there would be a Ward 2 meeting on September 19 at the Faulkner County Library. There will also be a public meeting October 3, at the McGee Center, and on October 19 at the Don Owen's Sports Complex, both at 6:00 pm.

**2. Resolutions requesting the Faulkner County Tax Collector to place certified liens on certain properties as a result of incurred expenses by the City.**

Alderman Hawkins presented Item A2 to the Council.

**R-17-41**

Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 209 Club Lane in the amount of \$372.83. There was no one present to represent this location. Alderwoman Smith made a motion to accept the Resolution and Alderwoman Isby seconded. The Resolution passed 7-0.

**R-17-42**

Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 1816 Washington in the amount of \$798.00. Roscoe Smith was present to address the Council. He stated that an individual had been hired to clean the property at the time that the City did the cleanup. He asked for clarification that the Lien would be released with the incurred costs were paid. Alderwoman Smith made a motion to adopt the Resolution and Alderwoman Isby seconded it. The Resolution passed 7-0.

**R-17-43**

Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 602 Fifth Street in the amount of \$5,376.12. There was no one present to represent this location. Alderwoman Smith made a motion to adopt the Resolution and Alderwoman Isby seconded. The Resolution passed 7-0.

**3. Ordinance accepting and appropriating for the Spencer Street Brownfield Cleanup project administered in the Planning and Development Department.**

**O-17-94**

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. Alderwoman Mehl made a motion to approve the Ordinance and Alderman Ledbetter seconded the motion. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Grimes, Alderwoman Isby, Alderman Ledbetter and Alderwoman Smith. The Ordinance passed 7-0.

**4. Ordinance accepting and appropriating donation funds for the Historic District Commission.**

**O-17-95**

Alderman Hawkins presented Item A4 to the Council. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded. The motion passed 7-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Isby, Alderman Grimes, Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl and Alderwoman Smith. The Ordinance passed 7-0.

**5. Ordinance granting a franchise to Streetside Creperie and Studio M Salon to utilize specific street right of way on the South side of Oak Street in Block 20, of the Robinson's plan.**

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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**O-17-96**

Alderman Hawkins presented Item A5 to the Council. 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": Alderwoman Smith, Alderman Ledbetter, Alderwoman Mehl, Alderman Pruitt, Alderman Hawkins, Alderman Grimes and Alderwoman Isby. The Ordinance passed 7-0.

**6. Consideration to approve the Brandon Cove pathway project (reconstruction and sidewalks) for the Street and Engineering Department.**

Alderman Hawkins presented Item A6 to the Council. Finley Vinson was present to address the Council and answer questions. He stated that the asphalt pathway trail in question was in need of repair. Alderman Hawkins made reference to some flooding issues on the trail to which Mr. Vinson stated he would look into a remedy. Mr. Vinson called the Council's attention to the additional sidewalk area that was in need of building. There was no further discussion. Alderwoman Smith made a motion to approve this consideration and Alderwoman Isby seconded it. The Consideration was passed 7-0.

**7. Ordinance appropriating funds for the right of way acquisition for the College and Salem roundabout for the Street and Engineering Department.**

**O-17-97**

Alderman Hawkins presented Item A7 to the Council. Finley Vinson of the Street and Engineering Department addressed the Council stating that these funds were to replenish the street fund account for the previous acquisition. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion passed 7-0. 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 Isby, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith and Alderman Hawkins. The Ordinance passed 7-0.

**8. Ordinance appropriating insurance funds received for the Street and Engineering Department.**

**O-17-98**

Alderman Hawkins presented Item A7 to the Council. Finley Vinson of the Street and Engineering Department clarified that the amount of \$3,054.98 was to replenish the Street fund and to cover the cost of repairing a damaged pedestrian pole. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion passed 7-0. 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, Alderman Ledbetter, Alderwoman Smith, Alderman Hawkins, Alderwoman Isby, Alderman Grimes and Alderman Pruitt. The Ordinance passed 7-0.

**9. Ordinance to rezone property located at 1715, 1717 and 1727 S Donaghey Ave from A-1 to R-2A.**  
Withdrawn

**10. 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.**  
Withdrawn

**B. Public Safety Committee (Police, Fire, District Court, Animal Welfare Unit, Communication Emergency Operations Center, Information Technology & City Attorney)**

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## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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**1. Ordinance appropriating funds for the purchase of fire safety promotional products for the Conway Fire Department.**

**O-17-99**

Mayor Castleberry presented Item B1 to the Council. Chief Mike Winters of the Conway Fire Department was present to address the Council stating that \$5000 had been given to the Fire Department to purchase hand out materials for Fire Prevention Week, and that this Ordinance is to appropriate those funds. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion passed 7-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderman Ledbetter seconded it. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderwoman Isby, Alderman Grimes, Alderman Hawkins, Alderman Ledbetter, Alderwoman Smith and Alderwoman Mehl. The Ordinance passed 7-0.

**2. Consideration to approve disposal of assets (vehicles) for the Conway Police Department.**

Mayor Castleberry presented Item B2 to the Council. Chief Jody Spradlin of the Conway Police Department was present to address the Council. He stated that the Department has four drug seized vehicles that are ready for disposal and was seeking the Council's approval to proceed. He said that the money received from these vehicles would be placed in the Asset Forfeiture Fund. Alderwoman Smith made a motion to approve the disposal of the assets and Alderwoman Isby seconded. The motion passed 7-0.

**3. Consideration to approve disposal of assets (misc. items for CID) at the Conway Police Department.**

Mayor Castleberry presented Item B3 to the Council. Chief Spradlin stated to the Council that the Department is looking to dispose of equipment that is obsolete, broken or otherwise unusable. Alderwoman Smith made a motion to approve this consideration and Alderwoman Isby seconded. The motion passed 7-0.

**4. Consideration to approve the official notification of JAG Grants for the Conway Police Department.**

Mayor Castleberry presented Item B4 to the Council. Chief Spradlin confirmed that the JAG Grants are non-matching and are split 50/50 with Faulkner County. Candy Jones, Grants Administrator, added that the Grants were for police equipment in the amounts of \$23,237 and \$23,529, and a Grant for 911 equipment (5 workstations for the City and 5 workstations for the County) in the amount of \$512,348. Alderwoman Smith made a motion to accept these Grants and Alderwoman Isby seconded. The motion passed 7-0.

### **C. New Business**

**1. Ordinance to amend the private club ordinance, specifically the permitting process for private clubs in the City of Conway.**

**O-17-100**

Mayor Castleberry presented Item C1 to the Council. City Attorney Chuck Clawson explained to the Council that due to the changes in State Legislation, the City now must approve Private Club Permit requests by Ordinance. This means the process must go through the City before being submitted to the State for license by the ABC Board. The present City Ordinance amendment is minimal, with the added process for approval as required by the new State Legislation, and the new application for Private Club Permit. Mr. Clawson further clarified for the Council that the \$250 application fee is non-refundable and should the applicant be denied an ABC license by the Board, they would not be issued a permit to serve alcohol by the City, and if the ABC license was revoke for any reason, their City permit would be revoke as well. Applicants would be required to renew the Supplemental Beverage Permit annually as per City Ordinance O-10-18 already in place. Alderwoman Smith made

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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

**2. Consideration to approve the permit process for private clubs and the ordinance for the City of Conway.**

Mayor Castleberry presented Item C2 to the Council. Alderwoman Smith made a motion to approve the prescribed permit process and Alderwoman Isby seconded. The motion passed 7-0.

**3. Ordinance approving the private club permit for WunderHaus located at 900 Locust Avenue and allowing for the application of the required permit from the Arkansas Alcoholic Beverage Control Division.**

**O-17-101**

Alderman Grimes moved to suspend the rules in order to add this item to the Agenda and Alderwoman Smith seconded it. The motion passed 7-0. City Attorney Chuck Clawson explained that the owners of WunderHaus have completed all the required applications, background checks, etc. in order to come before the Council and ask for approval by Ordinance. He also clarified that this Ordinance for approval is specific to this owner and this location only. Alderwoman Smith made a motion to waive the three readings and Alderwoman Isby seconded it. The motion passed 7-0. 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 Grimes, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderwoman Isby, Alderman Hawkins and Alderwoman Mehl. The Ordinance passed 7-0.

There was no further discussion. The meeting was adjourned.

**Adjournment**

*PASSED this 12<sup>th</sup> Day of September 2017*

**APPROVED:**

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*Mayor Bart Castleberry*

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*City Clerk Michael O. Garrett*