
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
September 26, 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, 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. Alderman Pruitt was not present.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett

Minutes: September 12, 2017

Alderwoman Isby motioned to approve the **September 12, 2017** minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Approval of Monthly Financial Report ending August 31, 2017:

Mr. Tyler Winningham presented to the Council the Financial Report ending August 31, 2017. He stated that the General Fund looks good with sales tax up 10.5% this month and 6% for the year. We are showing the net expense for the year at \$366,000, which is close to the same position as last month. November and December are expected to bring additional revenue at the end of the year. Cash flow is good, with three million plus in the Operating account. Also there is a two million reserve available. He state that there is a correction to make on the Street Fund report. The zero shown for the month for the AHTD sales tax turnback is incorrect. The actual amount received was incorrectly recorded in the state tax turnback. The actual amount should be \$225,117 for state tax and \$103,990 for the ½ cent sales tax. The software recording error will be corrected by the end of the year and will report accurately. The Sanitation Fund shows a new line item, being the Loan proceeds. There has been a drawn down taken on the three million dollar equipment loan. The major project funds are all showing very healthy balances. Alderwoman Smith made a motion to approve the Monthly Financial Report as submitted. Alderwoman Isby seconded the motion. The motion was approved 7-0.

1. Report of Standing Committees:

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

1. Consideration to approve Dr. Ellen Hostetter appointment to the Conway Housing Board.

Alderman Hawkins presented Item A1 to the Council. He made a motion to accept Dr. Hostetter to the Board and Alderwoman Smith seconded the motion. There was no further discussion. The motion was approved 7-0.

2. Ordinance appropriating funds for streets and improvements associated with 6th Street Overpass for the Street and Engineering Department.

O-17-102

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 7-0. Mayor Castleberry clarified that these are funds that were appropriated in 2015 and 2016 and not spent. Tyler Winningham added that when the City began collecting the half cent tax turnback we also started budgeting it, but it was not spent. So this represented what was collected in 2016 and now that the bond monies are spent we are ready to go back and re-appropriate the funds as needed to complete the Central Landing. Finley Vinson of the Street and Engineering Department added that the project is within budget and that this appropriation was not a result of being over budget on the project. Alderwoman Isby motioned to approve the Ordinance and Alderwoman Smith seconded. The Clerk

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Jones, Alderwoman Smith, Alderman Grimes, Alderman Ledbetter, Alderman Hawkins and Alderwoman Isby. The Ordinance was passed 7-0.

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

O-17-103

Alderman Hawkins presented Item A3 to the Council. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded it. The motion was passed 7-0. Alderman Jones made a motion to adopt the Ordinance and Alderwoman Smith seconded it. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderwoman Mehl, Alderman Hawkins, Alderman Ledbetter, Alderwoman Isby, Alderman Jones and Alderman Grimes. The Ordinance passed 7-0.

4. Consideration to approve a request to allow the rezoning application for property located at 364 & 375 Denison Street to start over at the Planning Commission level.

Alderman Hawkins presented Item A4 to the Council. Justin McGee with McGee Engineering was present to address the Council. He stated that it was his understanding that the original request was denied due to concerns about drainage problems, to which he stated that his company would meet all City ordinances regarding drainage requirements. Alderman Hawkins stated that after the original request he went to look at the property in question and noted that much of the drainage ways were clogged with debris. Alderman Grimes stated that he felt that the information should have been submitted with the original request. It was discussed that when Mr. Massey came before the Council originally, the issue was voted on based on the information presented at that time. The Council felt that if there was additional or different information that it should have been presented at that time. Mr. McGee stated that he felt that Mr. Massey did not understand the requirements of the Ordinance. The Council was concerned that Mr. Massey did not make any offers to work with the residents who were present at the first hearing. Bryan Patrick, Planning and Development Department, gave a summary of the situation, stating that the matter was approved by unanimous vote by the Planning Commission and that the issue with the residents was water and drainage, not the rezoning. He stated that he recommended to the applicant that an engineering firm be hired to complete a report on the drainage and where the water would go, and then ask the matter to be re-visited by the Planning Commission and the City Council. The Council still felt that the residents' concerns over drainage was not addressed at the original hearing. Mr. McGee added that his firm, when creating a site plan review generally does not address drainage issues until the development review process and at that point the ordinances governing drainage is consulted. He reiterated that the issue of the re-zoning was the matter at hand. Alderman Grimes stated that if that is the case, then what happens if the re-zoning is approved by Council but then it is later discovered that the ordinance requirements for drainage cannot be met. Rod Pearson, a resident who lives near the proposed development was present to address the Council stating that he and other neighbors were not opposed to a rezoning of the property, but are concerned with making the existing drainage issue in the area worse that it is now. Mr. McGee reiterated that the developers would follow the requirements of the City ordinances governing drainage and that while he cannot address the issue of the current drainage issues, he could assure that it would not be increased based on the current situation. There was some discussion among the Council. Mr. Stan Stapleton, owner of the property in question was present to address the Council. He asked the Council to approve the rezoning, allowing the development to go forward, and stated that by doing so, the existing drainage problems would be alleviated because the drainage culverts would be cleaned out and therefore relieve the flooding that is currently happening. Mr. Stapleton reiterated to the Council that they were asking to have the opportunity to present to the Council additional information, site plans, etc. that would give the Council sufficient reason to approve the rezoning based on the Planning Commission's recommendation. Mayor Castleberry brought the Item back to the Council. Alderwoman Smith

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

made a motion to deny the request. Alderman Jones seconded it. There was no further discussion. The request failed by unanimous vote.

5. Ordinance to rename a portion of Amity Road, from the round-about (currently being constructed) to East Dave Ward Drive, to Crain Drive.

Held in Committee. 7-0

6. Ordinance to rename a portion of McNutt Rd, from Donnell Ridge Rd to Dave Ward Dr., to Old Military Road.

Held in Committee. 7-0

7. Ordinance to rezone property located at 2307 Stout Street from R-2 to MF-1.

O-17-104

Alderman Hawkins presented Item A7 to the Council stating that the matter was reviewed by the Planning Commission on their meeting on September 9th, where it was voted 8-2 to forward to City Council with a recommendation for approval. Beau Wilcox was present to address the Council on behalf of the property owner. He stated that the owner had originally put in a request to add an accessory to the house on the property. During construction the accessory structure was illegally attached to the house and a stop work order was issued. The owner has acknowledged misunderstanding of the regulations and has complied. Because of what he is attempting to do with the structure, it was recommended that a re-zoning be applied for since the structure will be used as a multi-family dwelling. Another issue is that the structure encroaches upon required set-backs which will require a variance request and that will be petitioned. It was clarified by Bryan Patrick that the building permit issued was for a separate building on the property, and when it was inspected it was found that the structures were attached. Alderwoman Mehl made a motion to waive the three readings and Alderwoman Smith seconded. The motion passed 7-0. There was no further discussion. Alderman Jones made a motion to adopt the ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Jones, Alderwoman Isby, Alderwoman Smith, Alderwoman Mehl, Alderman Ledbetter and Alderman Grimes. The Ordinance passed 7-0.

8. Ordinance to rezone property located at 1517 Caldwell Street from R-2A to O-2.

O-17-105

Alderman Hawkins presented Item A7 to the Council stating that the matter was reviewed by the Planning Commission on their meeting on September 9th, where it was voted 9-1 to forward to City Council with a recommendation for approval. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded. The motion passed 7-0. Jan Clark, was presented to address the Council stating that the property had been in possession of her family since 1888. She is purchasing the property from her cousin, Bill Wilson. She stated that they had met with the Historic District Commission and met all of their requirements. She explained that her desire is to operate her real estate business from part of the home and lease the other part to a tenant. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Isby seconded. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderman Grimes, Alderman Jones, Alderman Hawkins, Alderwoman Smith, Alderwoman Isby, and Alderwoman Mehl. The Ordinance passed 7-0.

9. Ordinance to rezone property located south of Lower Ridge Road and immediately east of Sun Valley Estates from A-1 to [Mathews Meadows] PUD.

O-17-106

Alderman Hawkins presented Item A7 to the Council stating that the matter was reviewed by the Planning Commission on their meeting on September 9th, where it was voted 9-1 to forward to City Council with a recommendation for approval with 15 conditions. Alderwoman Isby made a motion to waive the three readings and Alderman Jones seconded. The motion passed 7-0. Frank Shaw,

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

property owner, was presented to address the Council. He stated that the R-1 project is being done as a PUD with 147- 6,000 square foot lots, and the homes in the range of 1300-1600 square feet. Alderman Grimes asked Finley Vinson of the Street and Engineering Department if there any issues with the requested reduced right of way as one of the conditions. Mr. Vinson stated that usually in this case construction costs become more expensive due to the relocating of the sidewalks in relationship to the utilities. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Isby seconded. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Jones, Alderman Grimes, Alderman Ledbetter, Alderwoman Smith, Alderwoman Isby and Alderwoman Mehl.

10. Consideration to approve a conditional use permit to allow General Retail in an O-1 zoning district for property located at 2545 Prince Street.

Alderman Hawkins presented Item A7 to the Council stating that the matter was reviewed by the Planning Commission on their meeting on September 19th, where it was voted 10-0 to forward to City Council with a recommendation for approval with conditions. He moved to approve the Conditional Use Permit with the conditions. Alderwoman Smith seconded the motion. The motion passed 7-0.

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

1. Consideration to approve the bid for a water truck for the Conway Sanitation Department.

Mayor Castleberry presented Item B1 to the Council. Jamie Brice, Purchasing Manager was present to address the Council. She stated that the Sanitation Department is currently using a 1978 fire truck to control dust at the landfill per the requirements of the ADEQ Operating permit. They are requesting acceptance of a bid for \$37,500 from Shipley Motor. Alderman Smith made a motion to approve the bid and Alderwoman Mehl seconded it. The motion for approval passed 7-0.

2. Consideration to approve the water tank demolition by Smith Communication located at Conway Station Park.

Mayor Castleberry presented Item B2 to the Council. Chuck Clawson described the project and offered to take questions from the Council, stating that Smith Communication will take down the water tower at no charge in conjunction with the ground lease agreement for the new communications tower. Dave Reynolds was present to represent Smith Communications. He pointed out that the new tower would have a much smaller footprint than the old water tower, freeing up space for parking, etc. He explained that the tower design will go through the Planning Department and will complete full conditional use requirements. Alderwoman Smith asked how long the demolition of the old water tower would take, and Mr. Reynolds answered that it would take 4-5 days by Iseler Demolition, a company that specializes in aerial water tank demolition. Alderwoman Smith made a motion to approve the demolition of the water tower and Alderwoman Isby seconded the motion. The motion to approve passed 7-0.

3. Consideration to enter into a ground lease agreement with Smith Communication for property located at Conway Station Park.

Mayor Castleberry presented Item B3 to the Council. Alderwoman Smith motioned to approve the ground lease agreement and Alderwoman Mehl seconded it. The motion passed 7-0.

Mr. Clawson left the meeting.

4. Ordinance authorizing personnel changes within the Conway Parks & Recreation Department.

O-17-107

Mayor Castleberry presented Item B4 to the Council. Steve Ibbotson of the Parks & Recreation Department was present to address the Council. He stated that this was a result of reclassification of several positions within the Department and would have no effect on the Department's budget.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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

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

1. Ordinance accepting and appropriating grant proceed funds from CAPDD (Central Arkansas Planning & Development District) received for the Conway Emergency Operations Center.

O-17-108

Mayor Castleberry presented Item C1 to the Council. Candy Jones, Grants Administrator was present to address the Council, stating that this was a grant in the amount of \$58,816. There was no discussion. Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl 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 Jones, Alderwoman Mehl, Alderwoman Smith, Alderman Grimes, Alderman Ledbetter and Alderman Hawkins. The Ordinance passed 7-0.

2. Ordinance accepting and appropriating grant funds from ASPCA (American Society for Prevention of Cruelty to Animals) for the Conway Animal Welfare Unit.

O-17-109

Mayor Castleberry presented Item C1 to the Council. Candy Jones, Grants Administrator was present to address the Council stating that this grant was in the amount of \$44,000. There was no discussion. 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": Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Grimes, Alderman Ledbetter, Alderwoman Isby and Alderman Jones. The Ordinance passed 7-0.

There was no further discussion. The meeting was adjourned.

Adjournment

PASSED this 26th Day of September 2017

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett