

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

Conway, Arkansas  
Tuesday, 6:30 pm  
November 12, 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: Councilman Hawkins, Councilwoman Isby, Councilwoman Mehl, Councilman Jones, Councilwoman Smith and Councilman Pruitt. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and City Attorney Chuck Clawson. Councilman Grimes and Councilman Ledbetter were absent.

**Call to Order: Mayor Bart Castleberry**

**Roll Call: Michael O. Garrett, City Clerk**

**Minutes: October 8, 2019, October 10 (Special)**

Councilwoman Isby motioned to approve the **October 8, 2019** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

Councilwoman Isby motioned to approve the **October 10, 2019**, special meeting minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

**Report of Standing Committees:**

**A. Economic Development Committee (Conway Area Chamber of Commerce, Conway Development Corporation, Conway Downtown Partnership & Conway Corporation)**

**1. Resolution to set a public hearing to discuss an ordinance fixing rates for services rendered by the wastewater system for Conway Corporation.**

**R-19-64**

Mayor Castleberry presented Item A1 to the Council stating that the hearing would take place on November 6<sup>th</sup>, at 6:30 pm. Mr. Brett Carroll and Mr. William Bethea of Conway Corporation were present to answer any questions from the Council. Mr. Carroll stated that several factors were driving the discussion: Aging infrastructure, the need for increased capacity of the wastewater main, and the fact that the Tucker Creek wastewater treatment facility is being converted to an equalization basin. He added that the increase would be phased in over a three-year period. Councilwoman Smith moved to adopt the Resolution and Councilman Pruitt seconded it. The Resolution passed 6-0.

**2. Ordinance fixing rates for services rendered by the wastewater system for Conway Corporation. (First reading only)**

**O-19-104**

Mayor Castleberry presented Item A2 to the Council stating that this is the first reading only of the Ordinance.

**B. Community Development Committee (Airport, Community Development, Planning & Development, Permits & Inspection (Code Enforcement), Historic District, Transportation)**

**1. Ordinance approving the location transfer of a private club permit for Los 3 Potrillos of Conway Inc.**

**O-19-105**

Councilman Hawkins presented Item B1 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 6-0. There was no one present to speak for or against the Ordinance. Councilwoman Smith made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilwoman Isby, Councilman Jones, Councilwoman Mehl, Councilwoman Smith, and Councilman Hawkins. The Ordinance passed 6-0.

**2. Resolutions requesting Faulkner County Tax Collector place a lien against property located at various locations for expenses incurred by the City.**

Councilman Hawkins presented Item B2 to the Council.

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**R-19-65 312 Club Lane \$148.88**

There was no one present to represent the property. Councilwoman Smith moved to adopt the Resolution and Councilwoman Isby seconded it The Resolution passed 6-0.

**R-19-66 626 Third Ave \$183.35**

There was no one present to represent the property. Councilwoman Isby moved to adopt the Resolution and Councilwoman Smith seconded it The Resolution passed 6-0.

**R-19-67 2131 Poplar \$224.69**

There was no one present to represent the property. Councilwoman Smith moved to adopt the Resolution and Councilman Jones seconded it The Resolution passed 6-0.

**R-19-68 21 Bernard \$260.38**

There was no one present to represent the property. Councilwoman Isby moved to adopt the Resolution and Councilwoman Smith seconded it The Resolution passed 6-0.

**R-19-69 2137 Poplar \$294.08**

There was no one present to represent the property. Councilwoman Smith moved to adopt the Resolution and Councilwoman Isby seconded it The Resolution passed 6-0.

**3. Resolution to approve the proposal for abatement mowing for the Code Enforcement Department.**

**R-19-70**

Councilman Hawkins presented Item B3 to the Council. Jamie Brice, Procurement Manager addressed the Council stating that proposals were accepted for services for mowing of properties in violation of City Code regarding overgrown vegetation. Two bids were received, and she requested that City Council approve the bid from Matt Skelton Construction. Councilwoman Smith moved to adopt the Resolution and Councilwoman Isby seconded it. The Resolution passed 6-0.

**4. Ordinance appropriating auction proceeds for the Permits & Inspections Department.**

**O-19-106**

Councilman Hawkins presented Item B4 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-0. Councilwoman Smith made a motion to adopt the Ordinance and Councilman Jones seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilwoman Smith, Councilman Hawkins, Councilman Pruitt, Councilman Jones and Councilwoman Isby.

**5. Resolution to express the willingness of the City of Conway to utilize state aid street monies for the Davis Street Project Overlay.**

**R-19-71**

Councilman Hawkins presented Item B5 to the Council. Finley Vinson, Director of the Transportation Department addressed the Council stating that this is a Resolution that the State Department of Transportation requires for the City to receive from them the 90% construction funding for the Davis Street Overlay project. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. Mr. Vinson stated that the part of Davis Street south of Robins to Dave Ward Drive had been completed, and the part being discussed now is the rest of Davis Street from Robins to the railroad tracks. He added that sidewalks on Davis Street will be addressed in conjunction with the project. The Resolution was passed 6-0.

**6. Ordinance to waive the competitive bid process to lease a motor grader for the Transportation Department.**

**O-19-107**

Councilman Hawkins presented Item B6 to the Council. Finley Vinson explained to the Council that the Transportation Department needed a motor grader and that three quotes were received for the lease of said vehicle and he recommended accepting the low bid from Riggs Arvest. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-0. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman

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Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilwoman Mehl, Councilman Hawkins, Councilwoman Smith, Councilman Jones, Councilwoman Isby. The Ordinance with the emergency clause passed 6-0.

**7. Consideration to approve a warranty deed for Stone Dam Creek Trail Improvement with Rush Hal Development.**

Councilman Hawkins presented Item B7 to the Council. James Walden, Director of Planning & Development addressed the Council stating that they are seeking approval for warranty deed dedication from Mr. Crafton related to the extension of Stone Dam Creek Trail. This will allow for impact fee credits to be applied in the future. Councilwoman Smith made a motion to approve the warranty deed and Councilwoman Isby seconded it. The consideration to approve passed 6-0.

**8. Consideration to approve an impact fee credit agreement with Rush-Hal Development for the Stone Dam Creek Trail Improvement project.**

Mayor Castleberry explained that this is the first reading only and required no action at this meeting.

**9. Ordinance accepting the annexation of certain lands located at the western terminus of Muskogee Road.**

**O-19-108**

Councilman Hawkins presented item B9 to the Council. He added that this was property that has been released by the County. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Pruitt, Councilwoman Isby, Councilman Jones, Councilwoman Smith and Councilwoman Mehl. The Ordinance passed 6-0.

**10. Ordinance to rezone property located at 1920 South Blvd and 212 Baridon St from R-2A to S-1.**

**O-19-109**

Councilman Hawkins presented Item B10 to the Council stating that this item was reviewed by the Planning Commission at their meeting of October 21<sup>st</sup> and was voted 7-1 to forward to the City Council with the recommendation for approval. Mr. Walden explained that this is to allow the Baptist Collegiate Center to locate a new Ministry Center and added that this is the appropriate type of zoning for a ministry center. They purchased the property from UCA and is going through the rezoning process. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-0. Councilwoman Smith made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilwoman Mehl, Councilman Hawkins, Councilwoman Smith, Councilman Pruitt, and Councilman Jones. The Ordinance passed 6-0.

**11. Ordinance to rezone property located at 2001 and 2011 Tyler St from R-2A to PUD.**

**O-19-110**

Councilman Hawkins presented Item B11 to the Council stating that this item was reviewed by the Planning Commission at their meeting of October 21<sup>st</sup> and was voted 7-0 to forward to the City Council with the recommendation for approval. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-0. Mr. Walden stated that the Owners of Bell Urban Farm are living in one property and the other they want to use for a farm stand and to grow more produce. He said that in order to best accommodate zoning requirements it was recommended to combine the properties into one PUD. He added that there was a great deal of community support at the Planning Commission hearing for Bell Urban Farm and their endeavor. Councilwoman Smith made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Pruitt, Councilwoman Mehl, Councilwoman Isby, Councilman Hawkins and Councilman Jones.

**12. Ordinance to rezone +/- 20.94 acres located at the southeast corner of Museum Road and Lower Ridge Rd from A-1 to R-1.**

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## O-19-111

Councilman Hawkins presented Item B12 to the Council stating that this item was reviewed by the Planning Commission at their meeting of October 21<sup>st</sup> and was voted 7-0 to forward to the City Council with the recommendation for approval. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 6-0. Mr. Walden explained that this item and the next item were related to a plat that is forthcoming for Museum Meadows, a large residential development. This rezoning removes the agricultural designation and changes it to R-1 with a combination of C-2 on a small out lot on the corner of Museum and Lower Ridge Road. The rezoning is to allow for a single-family residential area. Councilman Jones made a motion to adopt the Ordinance and Councilwoman Smith seconded. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilwoman Mehl, Councilwoman Smith, Councilman Jones, Councilman Hawkins and Councilwoman Isby. The Ordinance passed 6-0.

### **13. Ordinance to rezone +/- 2.62 acres located at the southeast corner of Museum Rd and Lower Ridge Road from A-1 to C-2.**

## O-19-112

Councilman Hawkins presented Item B13 to the Council stating that this item was reviewed by the Planning Commission at their meeting of October 21<sup>st</sup> and was voted 7-0 to forward to the City Council with the recommendation for approval. There was some discussion among the Councilmembers as to the traffic load at the intersection in question. Mr. Walden stated that there are approximately 6500 cars on Lower Ridge Rd per day per the current traffic study. He added that there is more development happening in that area that will likely increase traffic. Frank Shaw, applicant, was present to answer questions from the Council. There was discussion regarding the placement of a roundabout at the intersection and the future development of Lower Ridge and Museum Rds. Councilwoman Smith made a motion to waive the three readings and Councilman Jones seconded it. The motion carried 6-0. Councilman Jones made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilman Hawkins, Councilman Pruitt and Councilwoman Isby. The Ordinance passed 6-0.

### **14. Consideration to approve a conditional use permit to allow automobile service station for +/- 2.62 acres located at the southeast corner of Museum Rd and Lower Ridge Road.**

Councilman Hawkins presented Item B14 to the Council stating that this item was reviewed by the Planning Commission at their meeting of October 21<sup>st</sup> and was voted 7-0 to forward to the City Council with the recommendation for approval with conditions.

1. The use shall be subject to Development Review prior to issuance of building permits. Development Review shall be conducted by the Planning Commission; the Planning Commission shall have the authority to impose conditions on the site plan.
2. Access to the site shall be from Museum Rd only. Access to Lower Ridge Rd is prohibited.
3. Any expansions or additions to the structure as well as any changes to the use shall require an amended or new conditional use permit.

Councilman Hawkins moved to approve the conditional use permit and Councilwoman Isby seconded it. Frank Shaw, applicant and developer, addressed the Council with concerns regarding Condition #2 by the Planning Commission as to access to his proposed commercial property. James Walden explained that the Commission agreed to remove that condition as it would still require the developer to have the site plan reviewed. The Conditional Use Permit, with the prohibition stated in Condition #2 removed, passed 6-0.

### **4. Consideration to approve a conditional use permit to allow Restricted Retail, General Retail and High-Impact Retail for property located at 815 Exchange Ave.**

Councilman Hawkins presented Item B15 to the Council stating that this item was reviewed by the Planning Commission at their meeting of October 21<sup>st</sup> and was voted 7-0 to forward to the City Council with the recommendation for approval with conditions.

1. Any uses which require outside display of goods unscreened from public view shall not be permitted.
2. Any outside storage of materials, goods, or equipment shall be placed behind opaque screening or fence that is at least 6 feet in height and no greater than 8 feet in height.

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3. Any expansion of or additions to the structure shall require an amended or new conditional use permit.

James Walden explained that this property was remodeled for use as an office space with additional spaces in the building which will likely be used by other retail businesses. As a result, the zoning was left broad so that amended conditional use permits would not likely be required in the future. He added that it sets a good transition going into the industrial park. Councilwoman Smith moved to approve the conditional use permit and Councilman Hawkins seconded it. The motion was passed 6-0.

### **C. Public Service Committee (Sanitation, Parks & Recreation & Physical Plant)**

1. **Consideration to approve the bid proposal for 5<sup>th</sup> Avenue Playground Improvements for the Parks & Recreation Department.**

Mayor Castleberry presented Item C1 to the Council. Kiera Oluokun addressed the Council recommending that the proposal by Hahn Enterprises be accepted for furnishing and installing the playground equipment for 5<sup>th</sup> Avenue Park. Councilwoman moved to approve the proposal and Councilwoman Isby seconded it. The motion to approved passed 6-0.

2. **Ordinance appropriating funds to purchase property associated with the ADEM Sugar Creek Hazard Mitigation Assistance grant project.**

#### **O-19-113**

Jamie Brice addressed the Council stating that this property is being paid for with funds from the 1.2-million-dollar hazard mitigation grant and street pay-as-you-go for the 25% match funds. Mayor Castleberry added that this is one of the homes along the Creek that have been destroyed by flooding, and where the City plans to build a trail head. Councilwoman Smith moved to waive the three readings and Councilwoman Mehl seconded it. The motion carried 6-0. Councilwoman Smith made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Jones, Councilwoman Isby, Councilman Pruitt, Councilwoman Mehl and Councilman Hawkins. The Ordinance passed 6-0.

3. **Resolution authorizing an application to the Arkansas Economic Development Commissions' Division Community Assistance Grant to relocate the original Toadsuck Ferry from Peel, AR to Old Ferry Landing.**

#### **R-19-72**

Mayor Castleberry presented Item C3 to the Council. Jack Bell addressed the Council stating that the Central Arkansas Planning & Development District is assisting the City in the application for the Grant. He stated that this is a grant for \$50,000 and that the City has received an estimate from Nabholtz for the job at approximately \$84,000. He added that the Ferry located at Peel, which is now owned by the State Highway Department would be purchased and returned to Toadsuck park. Councilwoman Smith made a motion to approve the Resolution and Councilwoman Isby seconded it. The Resolution passed 6-0.

### **D. Public Safety Committee (Police, Fire, District Court, Animal Welfare Unit, CEOC, Department of Information Systems & Technology, & Office of the City Attorney)**

1. **Consideration to approve the disposal of inventory for the Department of Information Technology.**

Mayor Castleberry presented Item D1 to the Council. Aaron Knight of the IT Department told the Council that six of the systems would be donated to District Courts in Damascus, Vilonia and Mayflower and the remaining items are to be auctioned or disposed of via e-waste. Councilwoman Smith moved to approve the disposal of inventory and Councilwoman Mehl seconded it. The Consideration for approval passed 6-0.

2. **Ordinance appropriating funds for the Truck Journeyman program at the Conway Fire Department.**

#### **O-19-114**

Mayor Castleberry presented Item D2 to the Council. Chief Mike Winter told the Council that the Department has received a \$2,000 grant from Wal-Mart to help fund the program. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-

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0. Councilwoman Smith made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilwoman Isby, Councilman Jones, Councilman Pruitt, Councilwoman Smith, and Councilman Hawkins. The Ordinance passed 6-0.

**3. Ordinance appropriating funds from various entities for the Conway Police Department.**

**O-19-115**

Mayor Castleberry presented Item D3 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Pruitt, Councilwoman Smith, Councilwoman Mehl, Councilwoman Isby, and Councilman Jones. The Ordinance passed 6-0.

**4. Ordinance to appropriate funding for the Conway Shop Secure for the Conway Police Department.**

**O-19-116**

Mayor Castleberry presented Item D4 to the Council. Chief Jody Spradlin of the Fire Department explained to the Council that funding would provide overtime pay to officers for extra patrol during shopping hours this Christmas Season, beginning Black Friday and continuing through Christmas Eve. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-0. Councilwoman Smith made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilwoman Mehl, Councilman Jones, Councilman Hawkins, Councilwoman Smith and Councilman Pruitt. The Ordinance passed 6-0.

**E. Personnel**

**1. Consideration to approve the annual fitness facility for the City of Conway.**

Lisa Mabry-Williams, HR Director, addressed the Council stating that RFPs were published, and the City received two proposals. The proposals were reviewed by the Committee and Sync Fitness was selected for recommendation to the Council for the FY2020. Councilwoman Smith moved to accept the recommendation and Councilwoman Isby seconded it. The consideration to approved Sync Fitness passed 6-0.

**2. Consideration to approve the dental insurance for the FY2020 for the City of Conway.**

Lisa Mabry-Williams, HR Director, addressed the Council stating that RFPs for FY2020 employee dental benefits was published and opened. The Employee Benefits Committee completed a weighted evaluation and after review recommends Blue Cross Blue Shield Options 1A and 1B without a broker. The proposal includes current dental benefits with Blue Cross Blue Shield and the total premium increase is 7.8%. Councilwoman Mehl moved to approve the dental insurance recommendation and Councilwoman Smith seconded it. The consideration to approve passed 6-0.

**3. Consideration to approve the life insurance for the FY2020 for the City of Conway.**

Lisa Mabry-Williams, HR Director, addressed the Council stating that RFPs for FY2020 employee dental benefits was published and opened. The Employee Benefits Committee completed a weighted evaluation and after review recommends USABLE Life without a broker. The Committee also recommends USABLE Life's proposal with no age reduction for 2020. That rate remains \$1.80 per employee for coverage. However, after further review, it is requested that Council approve an increased benefit without the age reduction, which will cost the City and additional \$15,900/per year. She added that the current life insurance benefit for City employees at this time is \$10,000 and that amount has not changed since 2003. The requested increase in benefit would bring it to \$25,000. Councilwoman Smith moved to approve the life insurance coverage with increase in benefit and Councilwoman Isby seconded it. The consideration to approve passed 6-0.

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**4. Consideration to approve the medical insurance for the FY2020 for the City of Conway.**

Lisa Mabry-Williams, HR Director, addressed the Council stating that RFPs for FY2020 employee medical benefits was published and opened. Proposals were received from AML MHBF (current provider), Arkansas Blue Cross Blue Shield/Health Advantage and HJC/Coresource (self-funded insurance). The Employee Benefits Committee met with representatives of each of the vendors, reviewed the proposals and conducted a weighted evaluation of each. The Committee recommended AML MHBF for the fiscal year 2020. This will decrease the cost to the City by approximately 8% on January 1, due to lower rates based on the City's claims experience for 2019. Councilwoman Smith made a motion for approval and Councilwoman Isby seconded it. Councilman Hawkins made a statement that in attending several of the Committee meetings he heard complaints and negative comments about AML MHBF and felt that if the City was going to move away from this provider, that the time to do so would be now, when our claims history has gone down. He also recalled that while the initial savings is presented, AML has instituted mid-year increases for the past couple of years. Councilwoman Smith asked why the Committee selected AML for recommendation. Ms. Mabry-Williams said that Health Advantage would be a substantial increase in cost to the City and the employee with increased co-pays. Mayor Castleberry said that budget projections could be run showing each carrier for comparison. Several Council members said they would like to see those numbers. Councilwoman Smith made a motion to table this item until a Special Council Meeting could be called, and costs reviewed. Councilwoman Isby seconded the motion. The motion to table passed 6-0.

**F. New Business**

**1. Ordinance amending Ord. No. O-03-109 providing for procedures for municipal candidates to file nominating petitions for the City of Conway.**

**O-19-117**

Mayor Castleberry presented this item to the Council. Chuck Clawson, City Attorney explained that the filing period at this time is 20 days before the preferential primary up until noon the day before. He said that County Clerk Margaret Darter asked that the City shorten the filing period to 7 days to be more in line with filing periods for other elections. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-0. Councilwoman Smith made a motion to adopt the Ordinance with the emergency clause and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Hawkins, Councilman Pruitt, Councilwoman Mehl, Councilwoman Isby, and Councilman Jones. The Ordinance passed 6-0.

**Adjournment-----**

*PASSED this 12<sup>th</sup> day of November 2019*

**APPROVED:**

\_\_\_\_\_  
*Mayor Bart Castleberry*

\_\_\_\_\_  
*City Clerk Michael O. Garrett*

**\*NOTE: Due to a clerical error in the numbering of Ordinances 113-117 during the City Council meeting, these Ordinances were re-numbered prior to publishing and the new numbering is reflected in these minutes.**