

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
May 12, 2020

On this date the City Council of the City of Conway, Arkansas met in regular session. ***Due to restrictions imposed because of the COVID-19 pandemic, the City Council meeting was held via Facebook Live on the City of Conway, Arkansas Facebook page, and the City of Conway Youtube channel.*** The following members being a quorum were present and acting: Councilman Hawkins, Councilman Grimes, Councilwoman Mehl, Councilman Jones, Councilwoman Isby, Councilman Ledbetter, Councilman Pruitt and Councilwoman Smith. 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, City Clerk

Minutes: Special City Council Meeting, April 28, 2020

Councilwoman Isby motioned to approve the **April 28, 2020** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Report of Standing Committees:

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

1. Ordinance amending Ordinance O-20-21 for the purpose of correcting the legal description of the property rezoned.

O-20-24

Councilman Hawkins presented Item A1 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. James Walden, Director of Planning & Development addressed that Council stating one of the lots was omitted in the description on Ordinance 0-20-21. There was no further discussion. Councilwoman Smith made moved to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Grimes, Councilman Pruitt, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Smith, and Councilman Hawkins.

2. Ordinance approving the low bid and appropriating funds for the Salem-Irby Roundabout.

O-20-25

Councilman Hawkins presented Item A2 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. 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, Councilman Ledbetter, Councilman Grimes, Councilman Jones, Councilman Pruitt, Councilman Hawkins, Councilwoman Smith and Councilwoman Mehl. The Ordinance passed 8-0.

3. Resolution to approve entering into a real estate contract to acquire property located at 702-704 Donaghey Avenue, owned by the Bernard Family Trust for the Donaghey Avenue Improvement Project.

R-20-24

Councilman Hawkins presented Item A3 to the Council. City Attorney Chuck Clawson addressed the Council, stating that he had tasked the Deputy City Attorney, Charles Finkenbinder with reaching out to property owners and organizing the project. Mr. Finkenbinder reported that these were the first of the properties to be acquired for the Donaghey Avenue Improvement Project, Phase I. He added that the City has requested immediate access and that the property owners were favorable to entering into the real estate contract. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. The motion carried 8-0.

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4. **Resolution to approve entering into a real estate contract to acquire property located at 2019, 2027, & 2055 College Avenue, owned by the H & D Clendenin Joint Trust for the Donaghey Avenue Improvement Project.**

R-20-25

Councilman Hawkins presented Item A4 to the Council. Deputy Attorney Charles Finkenbinder stated that this is the second contract to be entered into for the Project. Again, requesting immediate access to allow the Department of Transportation to begin the project even during the closing process. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The motion carried 8-0.

5. **Resolution to approve entering into a real estate contract to acquire property located at 602 Donaghey owned by David P. and Grace C. Sanders for the Donaghey Avenue Improvement Project.**

R-20-26

Councilman Hawkins presented Item A5 to the Council. Mr. Finkenbinder addressed the Council stating that this is a residential home located along Donaghey Avenue, and that a request for immediate access will be made to the homeowner. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The motion carried 8-0

6. **Resolution to seek condemnation of properties (Tracts 3, 5, 6, 9, 10, 11, & 12) located within the Donaghey Avenue Improvement Project.**

Councilman Hawkins presented Item A6 to the Council. Mr. Finkenbinder gave a report regarding each of the properties for which condemnation was being sought:

R-20-27

Tract #3, owned by Sophia Properties, LLC

Mr. Finkenbinder said that he is in discussion with the owners regarding a contract but there are still points to be addressed. He added that it is the intent that fair compensation be made to the property owners. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The motion carried 8-0.

R-20-28

Tract #5, owned by Trent Family II, LLC

Mr. Finkenbinder stated that this is another property under discussion in attempt to provide immediate access so that the Transportation Department can maintain their schedules. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. The motion carried 8-0.

R-20-29

Tract #6, owned by the Lindsey Family Trust

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. The motion carried 8-0.

R-20-30

Tract #9, owned by 4 HIMS, LLC

Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The motion carried 8-0.

R-20-31

Tract #10, owned by Southeast Realty Investments, LLC

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. The motion carried 8-0.

R-20-32

Tract #11, owned by Lieblong, Jim B. & Chloe& Lieblong, Jordan

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. The motion carried 8-0.

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R-20-33

Tract #12, owned by Michael W. Loveless, Wayne W. Carlson, Bernard E Kaiser & Willis R. Smith
Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Mehl seconded it.
The motion carried 8-0.

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

1. Resolution to approve applying for the Coronavirus Emergency Supplemental Funds for the Conway Police Department.

R-20-34

Mayor Castleberry presented Item B1 to the Council. Jamie Brice, Procurement Manager, addressed the Council stating that this is Federal Grant that is available to the City for \$81,918 to prevent, prepare for and respond to the Coronavirus. Councilwoman Smith made a motion to adopt the Resolution and Councilman Grimes seconded it. The motion to adopt the Resolution carried 8-0.

C. New Business

1. Consideration to approve the extension of Alan Kizer term on the A&P Commission.

Mayor Castleberry presented Item C1 to the Council. Councilman Hawkins made a motion to approve the consideration and Councilwoman Smith seconded it. The motion carried 8-0.

2. Resolution to approve applying for the BUILD 2020 Grant for the Connect Conway Project.

R-20-35

Mayor Castleberry presented Item C2 to the Council. Finley Vinson, Department of Transportation addressed the Council stating that this is the third year to apply for this grant. He explained that Council is being asked to make a decision regarding the scope of the project. He said that there are two alternatives for them to choose from. Brad Lacy with the Chamber of Commerce explained that this is the Connect Conway Project that would start with the trail and cycling infrastructure where the current trail ends at the UCA tennis courts and would take it behind the Business Building, across Donaghey. Then it would go east down Bruce Street with improvements on both sides of the street and a dedicated greenspace through the old airport and cross the Interstate. It would then go behind Best Buy and move north under Highway 64 and continue north through the City of Colleges Park. It would eventually connect to the Tucker Creek trail head. He added that the project would essentially connect the southern and western part of our trail system to where the retail and job centers are. He added that while this is the third time the City has applied, there has been good feedback as to how to make the application better and he is hopeful that the application will be successful. Mr. Vinson clarified that the difference between alternative #1 and alternative #2 is that Phase II of the Donaghey Improvement Project was omitted from alternative #1 on the application. He explained the pros and cons to the Council for each of the alternatives. There was discussion among the Council. Councilman Ledbetter asked where the suggested 5 million dollar match by the City would come from in the budget. Chuck Clawson, City Attorney stated that some of the money could come from the 1% sales tax, since it was designated for street improvements and related sidewalk and multiuse pathways. There was discussion as to the timing requirements and restrictions for each alternative proposed. Councilman Hawkins recommended approving alternative #1 and including the Donaghey work. Councilwoman Mehl agreed and pointed out that this application was less than what was applied for in previous years and which also included the use of the sales tax money. Mr. Lacy added that the timeframe of the grant is short, with the deadline next week and it's expected to be early fall when the grant will be awarded. Councilman Grimes clarified that application and acceptance does not mean the City is bound to participate. Mayor Castleberry said that is true but would likely prevent the City from being awarded the grant in the future if we were awarded and did not participate. Councilman Grimes agreed with Councilman Hawkins that alternative #1 seemed the best route for the City. He stated that the funding was important as well as the timing, but he was concerned that the project be done well. He made a recommendation to move forward with alternative #1. Mayor Castleberry stated that he felt this is a good grant that City has a good chance to win. He

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added that there have been lay-offs of part-time employees, sales tax revenue is down, the economy is unsure, and other concerns regarding the stability of the City's finances cause him to be concerned about whether the City will be in a position to go forward with this project. Councilman Grimes acknowledged the Mayor's concerns but stated that he felt like this grant was worth applying for, and that the City would know better in four or five months what the economic situation will be and a final decision could be made at that time. Councilman Pruitt made a motion to proceed with alternative #1, Resolution R-20-35, with the total project cost being 25 million, the BUILD Grant request to be 20 million and the City's match to be \$5 million. Councilwoman Isby seconded it. The Resolution passed 6-2, with Councilman Ledbetter and Councilwoman Smith voting "No".

There was no further discussion. The meeting was adjourned.

Adjournment-----

PASSED this 12th day of May 2020

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett