

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
May 26, 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 online and acting: Councilman Hawkins, Councilman Grimes, Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilwoman Isby, Councilman Pruitt and Councilman Ledbetter. 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: May 12, 2020

Councilwoman Isby motioned to approve the **May 12, 2020** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Monthly Financial Report ending on April 30, 2020

Tyler Winningham, Chief Financial Officer addressed the Council stating that the situation through April was still good, adding that sales tax year to date was up 7.8%. He said that spending is on track, down 7% compared to last year. He qualified that by saying that the Street and Sanitation Department's spending is up slightly due to capitol purchases that were begun before the spending freeze. Councilwoman Isby moved to approve the monthly financial report and Councilwoman Smith seconded it. The motioned carried 8-0.

Report of Standing Committees:

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

1. Resolution to approve aviation fuel and services for the Conway Airport.

R-20-36

Councilman Hawkins presented Item A1 to the Council. Jack Bell, Interim Director, addressed the Council stating that this is a five-year fuel contract for the airport. He stated that a sub-committee reviewed four proposals and the committee unanimously approved Satterfield Aviation Fuels. Councilwoman Smith moved to adopt the Resolution naming Satterfield Aviation Fuels to provide fuel and services for the Conway Airport and Councilman Pruitt seconded the motion. The Resolution passed 8-0.

2. Resolution to approve amending the Community Development Block Grant Program policies and procedures.

R-20-37

Councilman Hawkins presented Item A2 to the Council. Kiera Oluokun addressed the Council stating that due to Covid-19 the policies and procedures were updated, adding a section requiring virtual meetings reduces timeline for the comment period and added Covid-19 as a disaster emergency event. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. The Resolution passed 8-0.

3. Resolution to amend the 2019 Action Plan for the Community Development Block Grant Program.

R-20-38

Councilman Hawkins presented Item A3 to the Council. Kiera Oluokun addressed the Council stating that the action plan was amended as required because of the receipt of the CARE (Coronavirus Aid, Relief, and Economic Security Act) funding in the amount of \$269,734. She added that upon adoption of the

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Resolution, the amended action plan will be submitted to HUD for further guidance. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The Resolution passed 8-0.

4. Resolution to approve the Action Plan and budget for the FY2020 Community Development Block Grant Program.

R-20-39

Councilman Hawkins presented Item A4 to the Council. Kiera Oluokun addressed the Council stating that this is action plan submitted annually to HUD. Councilwoman Smith moved to adopt the Resolution and Councilwoman Isby seconded it. The Resolution passed 8-0.

5. Resolution to enter into an agreement for Historic Preservation Consulting services for the Planning and Development Department.

R-20-40

Councilman Hawkins presented Item A5 to the Council. James Walden, Director of Planning and Development, addressed the Council stating that the City received a grant from the Arkansas Historic Preservation Program to conduct a re-survey of the Robinson Historic District as well as to research some sites for a public art interpretive tour. An RFQ was issued for those projects and five responses were received. The Committee unanimously chose Johnson Consulting out of Little Rock for both projects. He added that the City has just been awarded an additional \$9000 in grants from the AHPP, part of which will be used for an African American History Context for the Pine Street and Markham Street neighborhoods. Councilwoman Smith made a motion to approve the Resolution and Councilwoman Isby seconded it. The Resolution passed 8-0.

6. Ordinance accepting the annexation of certain lands comprised of +/- 7.5 acres located west of Mill Pond Road.

O-20-26

Councilman Hawkins presented Item A6 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 addressed the Council stating that this annexation is in the southwest part of the City adjacent to Lot 9 of Round Mountain Subdivision and is currently owned by Frank Shaw, as well as Lot 9. He told them that Mr. Shaw's plan is to develop this property into 5-7 lots with access to Mill Pond Road, adding that the application was unanimously approved by the Planning Commission and was recommended by all departments at Conway Corporation. 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 Hawkins, Councilman Pruitt, Councilwoman Smith, Councilwoman Mehl, Councilwoman Isby, Councilman Jones, Councilman Grimes and Councilman Ledbetter. The Ordinance passed 8-0.

7. Consideration to approve a conditional use permit to allow a church in R-1 zone for property located at 1301 Sunset Drive.

Councilman Hawkins presented Item A7 to the Council stating that this item was approved by the Planning Commission at their meeting on May 18th and at that time the Commission voted 6-1 to forward this request to City Council with the recommendation for approval with the following 10 conditions:

1. Any significant modifications, as determined by the Director, to the approved site plan or use shall require an amended or new conditional use permit.
2. Parking area and dumpster enclosure shall be relocated to the interior of the site and screened from the existing trail.
3. Efforts shall be made to retain as much existing vegetation as possible.
4. The portions of the Tucker Creek Trail that exist on the property shall be dedicated as right of way.
5. A public access easement or dedication of right of way shall be provided for the new trail extension across the property to the adjacent high school property. This trail

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extension shall be constructed at the same time as the church and is required prior to issuance of final certificate of occupancy.

6. A minimum 20-foot in width evergreen screen shall be provided along the northern property line abutting the residential property.
7. Trees planted 30 feet on center shall be provided in the landscape buffer on southern property line.
8. Lighting shall be shielded and directed away from the residential properties.
9. Development shall be subject to the Development Review process in accordance with Section 1101 of the Zoning Code.
10. All signage shall be permitted by the Planning Department prior to installation.

Councilman Hawkins moved to grant the conditional use permit and Councilwoman Smith seconded it. Councilman Ledbetter requested that an additional condition be added to the list stating that some of the neighbors along Sunset Drive would like the entrance to be closed unless there is a church function in progress, in order to limit traffic through the area. James Walden said that condition #11 was agreed upon by staff and was to be part of the Development Review process because there had been some concern expressed at the Planning Commission meeting. The wording for this condition would read:

11. Access to Sunset Drive shall be gated and restricted to use only during times of assembly at the site.

Councilman Hawkins moved to grant the conditional use permit with the addition of condition #11 and Councilwoman Smith seconded it. The motion to approve carried 8-0.

8. Resolution to enter into an agreement to acquire property located at 1714 Tyler Street for the Tyler Street Sidewalk Improvement Project.

R-20-41

Councilman Hawkins presented Item A8 to the Council and moved to adopt the Resolution and Councilwoman Smith seconded it. Deputy City Attorney Charles Finkenbinder addressed the Council stating that this is the longest section of sidewalk, between the Faulkner County Library and the roundabout at Washington and Tyler. He said the property is largely vacant, owned by an out of state Trust and added that an agreement had been reached. He added that the contract price is the price that the property was appraised for and includes right of immediate access. The Resolution passed 8-0.

B. New Business

1. Discussion/Consideration regarding the Office of the City Attorney.

City Attorney Chuck Clawson addressed the Council reminding them that he was elected as Faulkner, Van Buren and Searcy County Circuit Judge, taking the bench January 1, 2021. At that time the position of Conway City Attorney will become vacant. He added that as he transitions, it is important to him that the office of City Attorney provide the same service, focus and availability as always. He recommended that the City Council name his replacement as soon as possible so that the transition process will be as efficient as possible. He said that the person appointed by City Council will hold the position of Conway City Attorney until the next general election in November 2022, and that person can succeed him or herself after the appointment if they choose to run for the position. Mayor Castleberry told the Council that they could take nominations immediately or hold an executive session on the matter. Councilman Grimes made a motion to move into executive session and Councilwoman Smith seconded it. The motion carried 8-0. Mayor Castleberry addressed the Council stating: "This body has voted to move into executive session to consider appointing a replacement for City Attorney Chuck Clawson. We will reconvene back into public session to present and vote on any action taken in private." The Council withdrew from the chamber for executive session.

Council members, Mayor Castleberry, City Attorney Chuck Clawson and City Clerk Michael Garrett returned to the Council Chambers. Mayor Castleberry asked for a motion for a nomination.

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Councilwoman Smith made a motion to appoint Charles Finkenbinder to replace City Attorney Chuck Clawson as Conway City Attorney, beginning January of 2021 for a two-year term. Councilman Ledbetter seconded the motion. The motion passed unanimously 8-0.

As there was no further business, the meeting was adjourned.

Adjournment-----

PASSED this 26th day of May 2020

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett