
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
June 12, 2018

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 Pruitt, Alderman Grimes, Alderwoman Mehl, Alderman Jones, Alderman Ledbetter, and Alderwoman Isby. Also, present and acting: Mayor Bart Castleberry, and City Clerk Michael Garrett and City Attorney Chuck Clawson. Alderwoman Smith was not present.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett

Minutes: May 8, 2018

Alderwoman Isby motioned to approve the **May 8, 2018** minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Approval of the monthly financial report ending April 30, 2018

Tyler Winningham, CFO, addressed the Council stating that while the fund balances are down, it is the expectation that forthcoming property tax revenue would increase those numbers. He stated that sales tax was also down 6% this month from the previous month but he expected that to correct itself going forward. He added that the City is still in a good position against the budget with expenditures down City-wide. Alderwoman Isby made a motion to approve the financial report as submitted and Alderman Ledbetter seconded it. The motion to approve passed 7-0.

1. Report of Standing Committees:

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

- 1. Resolution setting a public hearing to discuss the closing of a portion of the utility easement of Lot 95RR, in the Village at Hendrix.**

R-18-17

Alderman Hawkins presented Item A1 to the Council stating that the public hearing would be scheduled for June 26th at 6:30. Alderwoman Isby made a motion to approve the Resolution and Alderman Jones seconded it. The motion passed 7-0.

- 2. Resolution requesting the Faulkner County Tax Collector to place a certified lien in the amount of \$4,222.34 on property located at 1110 Neal Street as a result of incurred expenses by the City.**

R-18-18

Alderman Hawkins presented Item A2 to the Council. Alderwoman Isby made a motion to approve the Resolution and Alderman Jones seconded it. The motion to approve passed 7-0.

- 3. Ordinance to approve private club permit location for Aramark- Conway Club, Inc. DBA as Twisted Taco.**

O-18-53

Alderman Hawkins presented Item A3 to the Council. Alderwoman Isby made a motion to waive the three readings and Alderman Jones seconded it. The motion passed 7-0. Alderman Grimes moved to adopt the Ordinance and Alderman Hawkins seconded it. The Clerk called the roll with the following

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voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderman Jones, Alderman Ledbetter, Alder woman Isby. The Ordinance passed 6-0-1 with Alderwoman Mehl abstaining.

4. Ordinance to approve the private club permit location for YourPie Conway. (Justin Matthews Dining Club)

O-18-54

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

5. Ordinance to approve the transfer of a private club permit location for Mosaique Bistro and Grill Club.

O-18-55

Alderman Hawkins presented Item A5 to the Council. Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl seconded it. The motion passed 7-0. Dr. Alex Tyler, Co-Owner of the Mosaique Bistro and Grill was present and addressed the Council and thanking them for their support. Alderwoman Isby moved to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Grimes, Alderwoman Isby, Alderman Hawkins and Alderman Jones. The Ordinance passed 7-0.

6. Consideration to approve an agreement with Conway Corporation for the transfer of property located at 1201 Oak Street.

Alderman Hawkins presented Item A6 to the Council. Mayor Castleberry addressed the Council and introduced City Attorney Chuck Clawson to explain the transfer. He stated that what is before the Council to approve tonight is a Memorandum of Understanding which defines the property at 1201 Oak Street as City property that Conway Corporation will assume management of. Bret Carroll, CEO of Conway Corp was present and added his comments saying that since it was announced that Conway Corp would be creating the Ritchie Arnold Innovation Center, they have been looking for a downtown location to house such a center. He stated that this endeavor is another way to foster a partnership in downtown for education and economic development. He also clarified that the agreement is essentially a long-term, 50 year lease of the property from the City, with Conway Corporation being responsible for the maintenance and improvements. Alderman Hawkins made a motion to approve the agreement and Alderman Pruitt seconded it. The motion to approve passed 7-0.

7. Consideration to accept the bid for the installation of a traffic signal at the intersection of Highway 65B (Harkrider & Bruce Street)

Alderman Hawkins presented Item A7 to the Council. Jamie Brice, Purchasing Manager addressed the Council stating that the City received a total of three bids for the project and asks the Council to approve the lowest bid. Alderman Jones asked why the traffic signal was needed and Finley Vinson of the Street & Engineering Department responded. He stated that the traffic signal was necessary as a result of the widening of the eastern side of the intersection. Alderman Hawkins moved to approve the lowest bid and Alderwoman Isby seconded it. The motion passed 7-0.

8. Ordinance amending the Conway subdivision ordinance to comply with the Master Street Plan.

O-18-56

Alderman Hawkins presented Item A8 to the Council. Alderwoman Isby made a motion to waive the three readings and Alderman Ledbetter seconded it. The motion passed 7-0. Finley Vinson was present to address the Council stating that this is the Ordinance presented to the Council previously

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and that was held in committee for further study. The Plan was posted on the website with instruction for any public comments to be directed to Mr. Vinson and he stated that he has received no comments. Mayor Castleberry added that he has spoken with several contractors who have expressed concerns that the new Plan would require stand up curbs in all neighborhoods but he explained that this would not be the case. Several Council members stated that they had received no comments or concerns. Alderwoman Isby made a motion to adopt the Ordinance and Alderman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Mehl, Alderman Grimes, Alderman Pruitt, Alderwoman Isby, Alderman Hawkins and Alderman Jones. The Ordinance passed 7-0.

9. Ordinance amending the Blue Ribbon Commission recommendations on operations and regulation of boards, specifically the Conway Historic District Commission.

O-18-57

Alderman Hawkins presented Item A9 to the Council. Bryan Patrick representing the CHDC addressed the Council explaining that while State law limits members to serve two three year terms, they would like to be able to serve two, three year terms and be eligible to serve another three year term after being off the Commission for three years, due to the extensive amount of training that members receive during their service. Alderwoman Isby made a motion to waive the three readings and Alderman Jones seconded it. The motion passed 7-0. Alderman Jones made a motion to adopt the Ordinance and Alderwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Pruitt, Alderwoman Isby, Alderman Jones and Alderman Ledbetter. The Ordinance passed 7-0.

10. Ordinance amending the Old Conway Design Overlay District & the Robinson Historic District Guidelines as related to materials and detailing (siding).

O-18-58

Alderman Hawkins presented Item A10 to the Council. Bryan Patrick representing the CHDC addressed the Council stating that the new language would further discourage the use of synthetic siding such as vinyl, discuss the disadvantages of such sidings and the use of more appropriate materials. He stated that the original language discourages the synthetic sidings but that the new language goes further in explaining why and suggesting other materials. There was some discussion as to why the undesirable siding materials are not prohibited. Mr. Patrick explained that in a historic district such as the Robinson Historic District and the overlay district, there are times when those siding materials might not be inappropriate, such as in the case of structures originally clad in these materials, or locations where the building(s) would not be visible, and other cases. City Attorney Chuck Clawson added that the Commission would like to preserve the discretion to review each case individually. Sarah Bryan was present to address the Council stating that she lived in the Old Conway Overlay Design District. Ms. Bryan stressed the differences in the OCODD and the Robinson Historic District and voiced her concern that the same guidelines applied to the Robinson District are being applied to the Overlay District, and that the age of the homes in this district should be taken into consideration when approving building materials. Mr. Patrick agreed that for that reason a total prohibition of certain building/siding materials would be inappropriate. Alderwoman Mehl made a motion to adopt the Ordinance and Alderman Pruitt seconded it. The Clerk called the roll with the following voting "Aye": Alderman Jones, Alderman Hawkins, Alderman Pruitt, Alderman Grimes, Alderwoman Isby, Alderman Ledbetter and Alderwoman Mehl. The Ordinance passed 7-0.

11. Ordinance to rezone property located at 1350 Favre Lane from A-1 to R-1.

O-18-59

Alderman Hawkins presented Item A11 to the Council stating that this item was reviewed by the Planning Commission on the 21st of May and at that time the Commission voted 8-0 to send the item to City Council with the recommendation for approval. Alderwoman Isby made a motion to waive the

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

12. Ordinance to rezone property located at 1550 E Dave Ward Drive from A-1 to RU-1.

O-18-60

Alderman Hawkins presented Item A12 to the Council stating that this item was reviewed by the Planning Commission on the 21st of May and at that time the Commission voted 8-0 to send the item to City Council with the recommendation for approval. Alderwoman Isby made a motion to waive the three readings and Alderman Jones seconded it. The motion passed 7-0. Alderman Jones made a motion to adopt the Ordinance and Alderwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Isby, Alderman Pruitt, Alderman Hawkins, Alderwoman Mehl, Alderman Jones and Alderman Grimes. The Ordinance passed 7-0.

13. Ordinance to rezone property located at 850 Simon Street from C-3 to PUD.

O-18-61

Alderman Hawkins presented Item A13 to the Council stating that this item was reviewed by the Planning Commission on the 21st of May and at that time the Commission voted 8-0 to send the item to City Council with the recommendation for approval with conditions.

1. Hours of operation shall be from 7:00 am until 6:00 pm Monday through Friday and possibly 7:00 am to 1:00 pm on Saturdays.
2. Ingress/egress – A curb cut shall be allowed on East Oak Street as presented. A drive access from Simon Street is also allowed.
3. Outdoor sound system must comply with Conway codes.
4. Metal buildings shall be allowed as part of this PUD.
5. Green space – 20% of the PUD area shall be set aside as green space/buffer as shown on the submitted site plan.
6. Signage – Any new signage shall conform to current Conway sign regulations.
7. Sidewalks, common space, and a property owner's association shall not be required.
8. An existing metal canopy can be used elsewhere on site.
9. Driveway shall be allowed within 100 feet of the property line.
10. Site is to be used for the recycling of metal and non-ferrous materials, and the necessary and related handling of these materials as defined in the PUD application.
11. Landscaping shall be limited to 20% green space area only; no further is required.
12. Parking Lot Ordinance shall not be enforced; gravel is permitted.

Alderwoman Isby made a motion to waive the three readings and Alderman Jones seconded it. The motion passed 7-0. Robert Stone came forward to address the Council. He shared concerns about the noise level created by the business. A representative of the business addressed the Council stating that if the Ordinance is approved the owners will be moving most of the work area to the opposite side of the sub-division. Also the new equipment they will be using will be electric instead of diesel and much quieter in operation. Alderman Hawkins made a motion to adopt the Ordinance and Alderman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Isby, Alderman Jones, Alderwoman Mehl, Alderman Hawkins, Alderman Grimes and Alderman Pruitt. The Ordinance passed 7-0.

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

1. Consideration to approve the bid for electrical switchgear for the Sanitation Recycling Center.

Mayor Castleberry presented Item B1 to the Council. Jamie Brice, Purchasing Manager and Joe Hopper, Sanitation Department Director were present to address the Council. Ms. Brice stated that this project was included in the 2018 budget. Five bids were received and the Council was being asked to approve the lowest bid. Alderman Hawkins moved to approve the bid and Alderman Jones seconded it. The motion passed 7-0.

2. Consideration to remove and dispose of inventory for the Department of Sanitation.

Mayor Castleberry presented Item B2 to the Council. Mr. Hopper stated that the Department has 27 pieces of equipment to dispose of. Alderwoman Isby moved to approve the consideration to dispose of the items and Alderman Hawkins seconded it. The motion passed 7-0.

3. Ordinance to approve a reclassification within the Sanitation Department.

O-18-62

Mayor Castleberry presented Item B3 to the Council. Mr. Hopper stated that it was within the City's best interest to upgrade this Collector position to CDL position within the department. Alderwoman Isby made a motion to waive the three readings and Alderman Hawkins seconded it. The motion passed 7-0. Alderman Jones moved to adopt the Ordinance with the emergency clause and Alderman Hawkins seconded it. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Ledbetter, Alderman Jones, Alderwoman Mehl, Alderman Pruitt, Alderwoman Isby and Alderman Grimes. The Ordinance with the emergency clause passed 7-0.

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

1. Ordinance to approve a donation of vehicles to Renewal Ranch from the Conway Police Department.

O-18-63

Mayor Castleberry presented Item C1 to the Council. Major Hearn with the Conway Police Department was present to address the Council. He stated that on April 29th the Council approved the disposal of some of the department's vehicles and were asking if some of the vehicles could be donated to Renewal Ranch to be used for their operations. Alderwoman Isby made a motion to waive the three readings and Alderwoman Mehl seconded it. The motion was passed 7-0. Alderwoman Isby made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Jones, Alderwoman Isby, Alderwoman Mehl, Alderman Hawkins, Alderman Pruitt and Alderman Ledbetter. The Ordinance passed 7-0.

D. Personnel

1. Consideration to approve the mid-year adjustment for medical insurance for the City of Conway.

Mayor Castleberry presented Item D1 to the Council. Lisa Mabry Williams was present to address the Council stating that the Municipal League Health Fund premium rates would be increasing July 1, 2018. She explained that the increase is due to our claims experience, our current loss ratio through March is 169%, of which 50% is driven by prescription drug costs. Two options to cover the increase were reviewed, and it was determined that the best option at this time is for the City to absorb the increase so that the employee contribution would remain the same. Cost to the General Fund would be \$143,280 for the remainder of the year. The City received a worker's compensation premium refund in June in the amount of \$145,857 that would offset the cost of this increase. Mayor Castleberry added that while the City could not feasibly continue to absorb these increases, he felt it

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was advantageous in this case due to the premium refund that the City received, which would offset the cost. Alderwoman Isby made a motion to approve this scenario and Alderman Ledbetter seconded it. The consideration to approve passed 7-0.

There was no further discussion. The meeting was adjourned.

Adjournment-----

PASSED this 12th day of June, 2018

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett