

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
July 23, 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, Councilman Jones, Councilman Ledbetter, Councilwoman Mehl, Councilman Grimes, Councilman Pruitt and Councilwoman Smith. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and Deputy City Attorney Charles Finkenbinder.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett, City Clerk

Minutes: June 25, 2019

Councilwoman Isby motioned to approve the **June 25, 2019** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

Mayor Castleberry commended Jason Lyons for being integral in the City being awarded the SAG Award at the annual ERSI User Conference. The award is given to any organization that sets new precedents throughout the GIS community.

Approval of the monthly financial report ending June 30, 2019

Tyler Winningham, Chief Financial Officer, addressed the Council stating that sales tax was up 13% which is likely due to a correction from a previous month which puts the year to date up 2%. He added that the bottom line still appears flat but there are still revenues expected. He said that July 1st marked the beginning of the online sales tax being collected and that the city should start seeing those revenues in August. Councilwoman Smith moved to approve the monthly financials and Councilman Ledbetter seconded it. The motion carried 8-0.

Report of Standing Committees:

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

1. Ordinance amending the net metering rules and regulations for Conway Corporation.

O-19-66

Mayor Castleberry presented Item A1 to the Council. Brett Carroll, CEO of Conway Corporation addressed the Council. He stated that recently passed Act 464 brought changes to the net metering rules which necessitates a change to the current City ordinance to reflect these changes. He stated that there are currently about 10 customers on their system, none of whom will be impacted by these changes. Revisions to the rules include; an indemnification has been added to protect Conway Corporation, language has been added to require automatic disconnect accessible to Conway Corporation, and meter aggregation has been eliminated. He added that the Conway Corporation Board passed a Resolution at their last meeting asking the City of Conway to adopt the new net metering rules and regulations of Conway Corporation. Councilwoman Smith moved to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. Councilman Jones made a motion to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Pruitt, Councilwoman Smith, Councilwoman Isby, Councilman Jones, Councilman Grimes and Councilman Ledbetter. Councilwoman Mehl abstained from the vote. The Ordinance with the emergency clause passed 7-0-1.

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

1. Consideration to enter into an agreement with the Pine Street Community Museum for property located at 1270 Factory Street.

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Councilman Hawkins presented Item B1 to the Council. Kiera Oluokun was present to address the Council and requesting approval of the lease of the property at 1270 Factory Street and adjacent parking lot for the Pine Street Museum. Mr. Anthony Hoskins, President of the Pine Street Museum, addressed the Council explaining the history of the museum project and their need for additional space due to the success of the project in the community. He added that the goal of the project is to find, document and display objects and history that pertain to the Pine Street Community. Councilwoman Mehl moved to approve the request and Councilwoman Smith seconded it. The motion carried 8-0.

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

Councilman Hawkins presented Item B6 and noted the properties listed below:

1. **R-19-25 105 Eve Lane in the amount of \$231.62**
2. **R-19-26 1335 S. Donaghey in the amount of \$231.62**
3. **R-19-27 2704 Nutter Chapel Rd in the amount of \$374.85**
4. **R-19-28 1135 N. Ash in the amount of \$492.90**
5. **R-19-29 217, 225, 233 S. Davis Street in the amount of \$5,934.48**

Mr. Chris Corbett, Attorney, was present to represent the property owner, Paul Calvert, at 1135 N. Ash Street. Mr. Corbett ask the Council to delay action on placing a lien on the property in order for Mr. Calvert to have his concerns heard. Mayor Castleberry stated that the time and place to speak to the issue has been provided at this meeting of the City Council, and that letters notifying the owner of the meeting had been provided. Missy Schrag, Code Enforcement was present and presented the Council with documentation (letters) that were sent to Mr. Calvert and notices that were signed for concerning the violations at the property. The Council viewed photos of the property and the code violations. There was no one else present to represent the properties as listed above. Councilwoman Smith made a motion to adopt the Resolutions and Councilman Ledbetter seconded it. The motion carried 8-0.

3. Resolution to authorize Fleet Maintenance services as professional services for vehicle maintenance for the City of Conway.

R-19-30

Councilman Hawkins presented Item B3 to the Council. Jamie Brice, Procurement Manager, addressed the Council requesting approval of this Resolution. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The motion to adopt the Resolution carried 8-0.

4. Ordinance appropriating matching funds and accepting the lowest bid for the Markham Street Jump Start Project Federal Aid Program funds.

O-19-67

Councilman Hawkins presented Item B4 to the Council. Finley Vinson addressed the Council stating that good bids were received for this project, with one coming in approximately one million dollars below the engineers estimate. He requested Council approve the bid from Fureigh Heavy Construction in the amount of \$2,113,620.40, with the City appropriating funds from the Street Pay as You Go Sales and Use Fund in the amount of \$713,000 to match the grant funding from Metroplan. Councilwoman Smith moved 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 Grimes, Councilwoman Mehl, Councilman Jones, Councilman Hawkins, Councilman Ledbetter, Councilwoman Smith and Councilman Pruitt. The Ordinance passed 8-0.

5. Ordinance to waive the competitive bid process for concrete repair services for the Transportation Department.

O-19-68

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Councilman Hawkins presented Item B5 to the Council. Jamie Brice addressed the Council stating that this year the City has reached the \$20,000 threshold for repairs and asked Council to approve the waiving of the bid process and approve JCI for concrete repair services. Councilwoman Smith moved to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. 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 Grimes, Councilman Pruitt, Councilwoman Mehl, Councilwoman Isby, Councilman Ledbetter and Councilman Jones. The Ordinance and the emergency clause passed 8-0.

6. Ordinance appropriating funds and accepting the lowest bid for street milling at the Transportation Department.

O-19-69

Councilman Hawkins presented Item B6 to the Council. Jamie Brice requested the Council approve the lowest bid from Rogers Group for the street milling for the Transportation Department. 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, Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Jones, Councilman Hawkins and Councilwoman Isby. The Ordinance passed 8-0.

7. Ordinance authorizing changes to authorized personnel positions for the Transportation Department.

O-19-70

Councilman Hawkins presented Item B7 to the Council. Finley Vinson addressed the Council stating the due to the large amount of work they have had, they are in need of another Construction Inspector. He asked them to approve reclassification of a City Engineer position to a Staff Engineer and add one Construction Inspector position. He added that no salary funds would be required for the changes. Councilwoman Smith moved to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, Councilman Pruitt and Councilwoman Isby. The Ordinance and the emergency clause passed 8-0.

8. Consideration to approve Thomas Meares to a three year term on the Conway Tree Board.

Councilman Hawkins presented Item B8 to the Council. Councilman Hawkins moved to approve Mr. Meares and Councilwoman Isby seconded it. The motion carried 8-0.

9. Ordinance to rezone property located at 1232 Watkins Street from R2A to S-1.

O-19-71

Councilman Hawkins presented Item B10 to the Council adding that this was reviewed by the Planning Commission at their meeting of July 15, 2019 and was voted 8-0 for this request to be forwarded to City Council for approval. James Walden, Planning Director addressed the Council stating that the approval would allow the church to have an early childhood educational program with after-care for school students. He added that there was no opposition to the rezoning. Councilwoman Smith moved to waive the three readings and Councilman Ledbetter seconded it. The motion carried 8-0. Councilwoman Smith made a motion to adopt the Ordinance with the emergency clause and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Jones, Councilwoman Isby and Councilman Hawkins. The Ordinance with the emergency clause passed 8-0.

10. Ordinance accepting the annexation of certain lands comprised of 13.42 acres located west of East German Lane and north of Siebenmorgen Road.

O-19-72

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Councilman Hawkins presented Item B11 to the Council stating this item was reviewed by the Planning Commission at their meeting of May 20, 2019 and at time it was voted 7-0 that the request be forwarded to City Council with a recommendation for approval subject to the release of the land by Faulkner County. James Walden addressed the Council explaining that this is the last of two annexations before we implement the new annexation process. He added that this annexation the area is bounded by future development on the north and the south so it made sense to annex this portion. He said there were about 10 homes affected in the area, and that his department has found no opposition to this annexation, including Conway Corporation. Councilwoman Smith moved to waive the three readings and Councilman Ledbetter 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": Councilman Ledbetter, Councilman Grimes, Councilwoman Smith, Councilman Pruitt, Councilman Jones, Councilwoman Mehl, and Councilman Hawkins. The Ordinance passed 8-0.

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

1. Ordinance accepting a proposal and appropriating additional funds needed to complete the AWU remodel of a portion of the Animal Welfare building.

O-19-73

Mayor Castleberry presented Item C1 to the Council. Officer Chris Harris of the Conway Police Department was present to address the Council on behalf of Police Chief Jody Spradlin. He stated that due to the damage to the Animal Welfare building in March, repairs have been started and there is a need for an additional \$2,512.90 to cover the costs to complete the repairs. He asked Council to approve the bid from Kordsmeier Remodeling in the amount of \$5,640.06. Councilwoman Smith moved to waive the three readings and Councilman Ledbetter 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 Mehl, Councilwoman Isby, Councilman Pruitt, Councilman Jones, Councilwoman Mehl, and Councilman Hawkins. The Ordinance passed 8-0.

2. Ordinance appropriating reimbursement funds from various entities for the Conway Police Department.

O-19-74

Mayor Castleberry presented Item C2 to the Council. Councilwoman Smith moved to waive the three readings and Councilman Ledbetter seconded it. The motion carried 8-0. Councilwoman Smith made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, Councilwoman Isby, Councilman Jones, Councilwoman Smith and Councilwoman Mehl. The Ordinance passed 8-0.

3. Ordinance appropriating donation funds to the Conway Fire Department.

O-19-75

Mayor Castleberry presented Item C3 to the Council. Chief Mike Winter was present to address the Council stating a request for Council to approve appropriation of a donation from Centennial Bank to help fund the school programs for the City. Councilwoman Smith moved to waive the three readings and Councilwoman Mehl seconded it. The motion carried 8-0. 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 Ledbetter, Councilwoman Isby, Councilwoman Mehl, Councilman Grimes, Councilman Hawkins, Councilwoman Smith, Councilman Pruitt and Councilman Jones. The Ordinance passed 8-0.

4. Ordinance authorizing a pay increase for personnel meeting all requirements to become a licensed paramedic with the Conway Fire Department.

O-19-76

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Mayor Castleberry presented Item C4 to the Council. Chief Winter addressed the Council stating that four firefighters completed medic school in August 2018, and have passed the first part of the testing. He requested Council approve a \$3,000 per year pay increase for paramedics that meet the National Registry for licensure for paramedics. He added that before the firefighters entered the program, they signed a five-year contract with the City stating that should they fail to complete the course or lose their licensure within five years then they will re-pay the City on a pro-rated schedule. He stated that the training they are receiving greatly increases responsibility which warrants the increase in pay. He added that this is in the best interest of the Conway Fire Department for future growth and welfare for the citizens of Conway. Councilwoman Smith moved to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. 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 Pruitt, Councilwoman Mehl, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, and Councilman Grimes. The Ordinance with the emergency clause passed 8-0.

D. Personnel

1. Ordinance appropriating funds for the City of Conway employee assistance plan with Southwest EAP. O-19-77

Mayor Castleberry presented Item D1 to the Council. Lisa Williams, Human Resources Manager addressed the Council. She stated that the program was initially put in place in June of 2019 and that the employees of the City are running 2% above average in utilization, based on the national average. In addition to employee services, supervisor training and individual employee training online has been provided. She added that the program has been very successful and a positive experience for the employees of the City. Councilwoman Smith moved to waive the three readings and Councilwoman Mehl seconded it. The motion carried 8-0. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Jones, Councilman Hawkins and Councilwoman Isby. The Ordinance with the emergency clause passed 8-0.

Adjournment-----

PASSED this 23rd day of July, 2019

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett