
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
July 24, 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 Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Jones, Alderwoman Isby, Alderman Ledbetter and Alderwoman Smith. Also, present and acting: Mayor Bart Castleberry, and City Clerk Michael Garrett and Deputy City Attorney Charles Finkenbinder.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett

Minutes: July 10, 2018

Alderwoman Isby motioned to approve the **July 10, 2018** minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Approval of the monthly financial report ending June 30, 2018

Tyler Winningham, CFO, addressed the Council stating that after two months of lower sales tax revenue, June sales tax revenues increased bringing totals up 5% year to date. He added that June was a three payroll month causing the bottom line to appear flat but still within budget for the time of year. He reported that April was the first month that the City received revenue from the new City sales tax, and that the total was approximately \$435,000. Alderwoman Smith moved to approve the monthly financial report and Alderwoman Isby seconded it. The motion carried 8-0.

1. Report of Standing Committees:

A. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Street & Engineering and Airport)

1. Resolution requesting the Faulkner County Tax Collector to place a certified lien on property located at 105 Eve Lane as a result of incurred expenses by the City.

R-18-25

Alderman Hawkins presented Item A1 to the Council stating that the City has incurred \$493.19 and is requesting a lien be placed on the property at 105 Eve Lane. There was no representative present to speak on behalf of the property owner. Alderwoman Smith moved to adopt the Resolution and Alderwoman Isby seconded it. The Resolution passed 8-0.

2. Resolution requesting the Faulkner County Tax Collector place a certified lien on property located at 209 club Land as a result of incurred expenses by the City.

R-18-26

Alderman Hawkins presented Item A2 to the Council stating that the City has incurred \$1343.79 and is requesting a lien be placed on the property at 209 Club Lane. There was no representative present to speak on behalf of the property owner. Alderwoman Smith moved to adopt the Resolution and Alderman Jones seconded it. The Resolution passed 8-0.

3. Consideration to apply for a FAA Match Grant with the Arkansas Department of Aeronautics.

Alderman Hawkins presented Item A3 to the Council. Josh Zylks, Airport Manager addressed the Council explaining that the final airport grant from 2014, with the City being responsible for 10% as a local match, had been closed and now a state matching grant (FAA) could be applied for. This grant is for a majority of the local 10% match of the FAA 2014 AIP project and is in the amount of \$250,000, and would be the last grant to complete the final phase of initial construction. Alderwoman Smith moved to approve the consideration and Alderman Hawkins seconded it. The motion carried 8-0.

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4. Resolution amending the standard t-hangar lease agreement for the hangars at Cantrell Field.

R-18-27

Alderman Hawkins presented Item A4 to the Council. Josh Zylks explained that the existing lease agreement had some complicated language and the desire is to clean up the agreement and modify the terms to be a flat monthly rate with the option to adjust at the end of the lease period. He added that lease rates have not increased in four years. Alderwoman Smith moved to adopt the Resolution and Alderwoman Isby seconded it. The Resolution passed 8-0.

5. Resolution to express the willingness of the City of Conway to partner with ArDot for the Dave Ward Drive Improvement Study.

R-18-28

Alderman Hawkins presented Item A5 to the Council. Finley Vincent addressed the Council saying that the Arkansas Department of Transportation has offered to do a planning study of Dave Ward Drive, from the Interstate to Harkrider. The City would be responsible for 50% of the cost of the study, which amounts to \$87,500 of the \$175,000 total cost. Alderwoman Smith moved to adopt the Resolution and Alderwoman Isby seconded it. The Resolution passed 8-0.

6. Ordinance to rezone property located a 2740 Dave Ward Drive from RMH to C-3.

O-18-78

Alderman Hawkins presented Item A6 to the Council stating that this item was reviewed by the Planning Department at their meeting of July 16th, and at that time was voted 8-0 to send the matter to City Council with a recommendation for approval. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded it. The motion carried 8-0. Bryan Patrick, Planning Department addressed the Council explaining that the property is currently zoned RMH and was formerly a mobile home park. The mobile homes no longer exist there and the application is for zoning C-3 which is the most commercial intensive zoning. The applicant, Bryan Trent plans to lease the property to Car-Mart for automobile sales. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Isby, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Hawkins, and Alderman Jones. The Ordinance passed 8-0.

7. Ordinance to rezone property at 2010 Salem Road from A-1 to RU-1.

O-18-79

Alderman Hawkins presented Item A7 to the Council stating that this item was reviewed by the Planning Department at their meeting of July 16th, and at that time was voted 7-1 to send the matter to City Council with a recommendation for approval. Alderwoman Isby made a motion to waive the three readings and Alderwoman Smith seconded it. The motion carried 8-0. Bryan Patrick addressed the Council stating that this property is currently used as an AT&T service yard, and was annexed into the City as an A-1. The requested rezoning of RU-1 is a restricted use zoning, allowing offices, post offices, schools, animal clinics, garages for public or utility vehicles, etc. Members of the Council asked questions of Mr. Patrick and Finley Vinson regarding future rezoning, water retention/detention requirements and drainage, noting that the property is mostly paved at the present time. A representative of the applicant, Mitch Hart, Realtor for the seller and buyer of the property, addressed the Council explaining that the purpose of the rezoning was to allowing the Company (Computer Works) that is purchasing the property to locate the business on the property at some point in the future when/if the lease held by AT&T is not renewed. Because the company, Computer Works, has a small retail element to their business, the RU-1 zoning is the most restrictive and suitable for businesses in and around sub-divisions. He asked for the Council's support of the request. Jay Winborn, representing the Royal Oaks-Crooked Creek Homeowner's Association, addressed the Council, expressing opposition to the rezoning by the homeowners of the adjoining sub-divisions and relating their concerns regarding future development of the property, environmental concerns and property values. Residents, Charles Shuter, Paul Shamoun, Charles Davidson, Linda O'Donnell, Laurie

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Deroque and Scott Schultz spoke in opposition to the rezoning. Mayor Castleberry brought the item back to the Council for a vote. Alderwoman Smith made a motion to approve the Ordinance and Alderman Ledbetter seconded it. There was no further discussion. The Clerk called the roll with no Council Member voting "Aye" and the following voting "No": Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Hawkins, Alderwoman Isby, Alderman Grimes, Alderman Jones and Alderman Pruitt. The Ordinance Failed 0-8.

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

1. Consideration to accept the bid for night vision goggles for the CPD Swat Team.

Mayor Castleberry presented Item B1 to the Council. Major Harris of the Conway Police Department addressed the Council stating that 10 bids were received for the night vision goggles and the two lowest bids did not meet the specifications, so they were asking for approval for the bid from Arms Unlimited for \$80,829.00. Alderwoman Smith moved to accept the bid and Alderwoman Isby seconded it. The motion to approve was passed 8-0.

2. Discussion/Update on the City of Conway vs. Maynard case.

Mayor Castleberry presented Item B2 to the Council. Charles Finkenbinder, Deputy City Attorney reported that the trial was set to occur in approximately three weeks. He stated that an attempt at mediation was made but was unsuccessful. The .07 acres in question has been valued below what was already paid in 2013, so our counsel is confident that the City is in a good position.

C. Old Business

1. Consideration to approve entering into negotiations to purchase property for a new City Hall.

Mayor Castleberry presented Item C1 to the Council, stating that the location known as the Federal Building at 1111 Main Street is the property under consideration. Alderwoman Smith moved to approve the request to enter into negotiations with Nabholtz Construction for purchase of the building and property, and Alderman Jones seconded it. The motion carried 8-0.

There was no further discussion. The meeting was adjourned.

Adjournment-----

PASSED this 24th day of July, 2018

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett