

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
August 25, 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, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilman Pruitt, Councilwoman Mehl, Councilman Grimes and Councilwoman Smith. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett and Deputy City Attorney Chuck Clawson.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett, City Clerk

Minutes: August 11, 2020

Councilwoman Isby motioned to approve the **August 11, 2020** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Approval of the monthly financial report ending July 31, 2020

Tyler Winningham, Chief Financial Officer addressed the Council stating that sales tax revenues are good and City departments continue to keep spending levels down. He added that this month's sales tax was up 7.2% compared to the same month last year, and up 4.4% year to date. He added that the bottom line appears normal for this time of year and he expected revenues to climb as we near the end of the year. He reported that A&P tax revenues are down 17%, and 8% year to date which he felt was not too bad considering the situation. Councilwoman Smith made a motion to approve the monthly financials as submitted and Councilwoman Isby seconded it. The motion to approve carried 8-0.

Report of Standing Committees:

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

1. Consideration to approve the nominations for the Conway Civil Service Commission.

Mayor Castleberry presented Item A1 to the Council. He explained that the Civil Service Commission is charged with administering exams to entry level police and fire applicants, and they also hear any grievances that result in a loss of pay, rank or job. He added that City Attorney Chuck Clawson conducted some research and discovered that some terms had been extended which should not have been, due to their status as a Blue-Ribbon Committee. As a result, it was decided to let all the members roll off at this point and five new members appointed. He said there were about 20 nominations for the positions. He said that he felt it was important that each member of the Committee have a working knowledge of the chain of command and how it works, and how police and fire policies work within that chain of command in dealing with the public. As per procedure, the Mayor presented his choices to the Council, along with the qualifications that he felt were important to note. Those named were Mike Mason, Lindsey Paxton, Matthew Jackson, Valerie Green, Lazaro Castillo. The Mayor reiterated that these nominees have a good background regarding knowledge of chain of command, and a good working knowledge of what our police officers and firefighters deal with daily. Councilman Hawkins read the names again to the Council of nominees presented for consideration for approval. Councilwoman Smith made a motion to approve the nominations and Councilman Hawkins seconded it. Councilman Jones asked for clarification on the length of the terms and Mayor Castleberry stated that the terms were for up to six (6) years. Councilwoman Mehl asked if they were going to draw for staggered terms and it was confirmed that they would, and that Mr. Clawson and Mrs. Mabry Williams would handle that. The motion for approval carried 8-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

2. Ordinance to approve a change of private club license permit (Katmandu Momo) within the City of Conway.

O-20-44

Councilman Hawkins presented Item A2 to the Council stating that the private club permit belonging to Katmandu Momo was requesting approval to transfer location from 1018 Oak Street to 911 Oak Street. Jon Mitchell, Zeteo Coffee was present online to confirm that the private club permit was being transferred to Zeteo Coffee at 911 Oak Street. 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 Councilman Jones seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Grimes, Councilman Pruitt, Councilman Ledbetter, Councilwoman Isby, Councilman Jones, Councilwoman Smith and Councilwoman Mehl. The Ordinance passed 8-0.

3. Ordinance appropriating reimbursement funds received from Auto Owner's Insurance for the Transportation Department.

O-20-45

Councilman Hawkins presented Item A3 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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, Councilwoman Isby, Councilwoman Mehl, Councilman Grimes, Councilman Hawkins, Councilwoman Smith, Councilman Pruitt and Councilman Jones. The Ordinance passed 8-0.

4. Ordinance appropriating reimbursement funds received from Car-son Construction for the Transportation Department.

O-20-46

Councilman Hawkins presented Item A4 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. Finley Vinson explained to the Council that there was damage done to the traffic light at Oak and Town Center and the contractor is reimbursing the City for repairs. 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 Smith, Councilman Pruitt, Councilwoman Mehl, Councilwoman Isby, Councilman Hawkins, Councilman Jones, Councilman Ledbetter and Councilman Grimes. The Ordinance passed 8-0.

5. Ordinance amending the submittal requirements for excavation plan review and design standards for excavation.

O-20-47

Councilman Hawkins presented Item A5 to the Council. Finley Vinson explained that the goal is to amend the excavation ordinance, specifically one line that is problematic for developers. This line reads "The site should not have exposed cut floats and exposed retaining wall". He explained that there are occasionally sites in which development calls for exposed retaining walls. He added that he rewrote the language in the ordinance with the help of James Walden, Planning & Development to outline the ways in which a retaining wall could be built with screening by landscaping, etc. He said that the intent is to allow something that is currently not allowed. James Walden addressed the Council stating that there is a clarification that needs to be included in the language of the Ordinance where it pertains to trees, and that there should be 15 feet between plantings. 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 with the emergency clause 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 with the emergency clause passed 8-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

6. Resolution to approve annual pavement marking bids for the Transportation Department.

R-20-66

Councilman Hawkins presented Item A6 to the Council. Finley Vinson reminded the Council that this was the fourth year of this annual bid process for pavement marking. He added that the letting of this bid was delayed due to budget constraints. He said that he was requesting approval of the two lowest bidders because he had concerns as to whether one of the contractors could complete the work by himself, so he wanted to divide the work among the two lower bidders. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. There was no further discussion. The Resolution passed. 8-0.

7. Resolution to approve a proposal to provide adaptive signal control technology for Oak Street for the Transportation Department.

R-20-67

Councilman Hawkins presented Item A7 to the Council. Finley Vinson told the Council that this is a Metroplan grant and is the second phase of that work with Temple Inc. to provide the necessary software. He reminded the Council that the City is responsible for 20% of the project. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. There was no further discussion. The Resolution passed. 8-0.

8. Ordinance to rezone property located at 2802 College Avenue from R-1 to O-1.

O-20-48

Councilman Hawkins presented Item A8 to the Council. Mr. Walden stated that the rezoning would allow the owner of the property to change what uses were allowed on the property to from single family residential to O-1 which is the most intensive office uses. He added that the property is just to the west of where Kinley trail crosses College. He said that the rezoning carries a recommendation of approval from the Planning Commission and staff. Councilwoman Smith made a motion 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": Councilman Grimes, Councilman Pruitt, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Smith and Councilman Hawkins. The Ordinance passed 8-0.

9. Consideration to approve a conditional use permit to allow a tattoo parlor in C-2 zone at 2585 North Donaghey Avenue.

Councilman Hawkins presented Item A9 to the Council stating that the request was reviewed by the Planning Commission and was voted 7-0 to forward to City Council with a recommendation for approval with certain conditions:

1. Business operation must cease daily no later than 10:00 pm.
2. All new or replacement signage, including window signage must comply with standards as set forth in Article 1301 of the Conway Zoning Code (Sign Ordinance).
3. The use of neon tube lighting is prohibited with the exception of one static Open/Closed sign.
4. No outdoor speakers/sound system shall be allowed.
5. Services to be offered, now or in future are limited to:
 - Professional tattoo/body art
 - Professional piercings
 - Permanent cosmetics
 - Laser tattoo removal

Any addition of services to be offered will require an amended Conditional Use Permit.

Councilman Hawkins made a motion to grant the Conditional Use Permit and Councilwoman Isby seconded it. The motion to approve passed 8-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

B. New Business

1. Update from the City Attorney's Office.

Chuck Clawson spoke to the Council regarding The City of Conway vs. Hogan case from 2015, stating that this should be the last update on the Central Landing Blvd/6th Street Project. He told them that in this case it was attempted to get the fair market value by independent appraisers. He added that the property owners had the appraisal reviewed and we were unable to reach an agreement with them so at that point the condemnation action was filed in 2015. He said that there had been multiple court hearings throughout the process with negotiations continuing and mediation in good faith but were still unable to reach a fair agreement. The matter will go to jury with himself and Charles Finkenbinder trying the case. He said that in these situations when two parties cannot reach an agreement the law provides for a jury to determine the value of the property. He added that he would return with a report on the decision after the trial. There was no further discussion.

Adjournment-----

PASSED this 25th day of August 2020

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett