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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday, 6:30 pm  
August 28, 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 Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Jones, Alderman Ledbetter and Alderwoman Smith. Also, present and acting: Mayor Bart Castleberry, and City Clerk Michael Garrett and City Attorney Chuck Clawson. Alderwoman Isby and Alderman Hawkins were absent.

**Call to Order: Mayor Bart Castleberry**

**Roll Call: Michael O. Garrett**

**Minutes: August 14, 2018**

Alderwoman Smith motioned to approve the **August 14, 2018** minutes as submitted. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

**Approval of the monthly financial report ending July 31, 2018**

Tyler Winningham, CFO, addressed the Council stating that sales tax was flat this month and that the City is up 4.3% for the year. He added that the first LOPFI Turnback was in and the amount was just under \$1.3 million and also the \$1 million from Conway Corp for the City Hall lease agreement was in hand. He stated that all of the major project funds were healthy at this time. Mr. Winningham gave a brief report on the non-uniform pension plan account, stating that the account balance was strong, liabilities are low, and the funded ratios have improved to almost 35% funded. He added that the projections are that for the next 10 years the fund would stay at 35% due to the changes that have been made. Alderwoman Smith moved to approve the monthly financial report of July 31, 2018 and Alderwoman Mehl seconded it. The motion carried 6-0.

**1. Report of Standing Committees:**

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

**1. Ordinance approving the request for a Private Club Permit for Katmandu Momo (1018 Oak Street) to allow for the application to proceed to the ABC Board.**

**O-18-81**

Mayor Castleberry presented Item A1 to the Council. Alderwoman Smith moved to waive the three readings and Alderwoman Mehl seconded it. The motion carried 6-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderman Jones, Alderman Grimes, Alderwoman Smith, Alderman Pruitt and Alderwoman Mehl. The Ordinance passed 6-0.

**2. Ordinance appropriating funding for the Program Year 2018 Community Development Block Grant Program.**

**O-18-82**

Mayor Castleberry presented Item A2 to the Council. Kiera Oluokun was present to address the Council stating that the Community Development Department had received \$454,954 in HUD grants for 2018 and this Ordinance would allow the appropriation and use of the funds for the Block Grant Program. Alderwoman Smith moved to waive the three readings and Alderwoman Mehl seconded it. The motion carried 6-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Pruitt,

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Alderman Jones, Alderman Grimes, Alderman Ledbetter, Alderwoman Smith and Alderwoman Mehl. The Ordinance passed 6-0.

**3. Ordinance appropriating funds for the purchase of a new self-service fuel terminal for the Airport Department.**

**O-18-83**

Mayor Castleberry presented Item A3 to the Council. Josh Zylks, Airport Manager was present to address the Council. He explained that the new self service fuel terminals allow customers to dispense their own gas during or after hours. He stated that the new fuel terminal would allow for faster service and more efficient dispensing. He added that there was a \$4500 rebate that could be taken advantage of if we acted within the time limit for the rebate. He estimated that the cost for the new terminal would be approximately \$17,000 including the trade in credit. Alderwoman Smith moved to waive the three readings and Alderman Jones seconded it. The motion carried 6-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Pruitt, Alderman Jones, Alderman Grimes, Alderman Ledbetter, Alderwoman Smith. The Ordinance passed 6-0.

**4. Consideration to remove a self-service fuel terminal from inventory for the Airport Department.**

Mayor Castleberry presented Item A4 to the Council. Mr. Zylkes asked the Council to approve the removal of the old self service fuel terminal. Alderwoman Smith moved to approve the consideration and Alderman Ledbetter seconded the motion. The motion to approve carried 6-0.

**5. Resolution amending the Master Street Plan for First Avenue and Oak Street Intersection.**

**R-18-31**

Mayor Castleberry presented Item A5 to the Council. Bryan Patrick, Director of Planning and Development addressed the Council stating that the plan is to remove the proposed minor arterial connections between 1<sup>st</sup> Avenue, 2<sup>nd</sup> Avenue and an existing traffic light on Oak Street. The traffic light would be relocated to the intersection of 1<sup>st</sup> Avenue and Oak Street. Alderwoman Smith made a motion to adopt the Resolution and Alderwoman Mehl seconded it. The Resolution passed 6-0.

**6. Consideration to approve a request for a conditional use permit for property located at 615 Faulkner Street to allow religious activities in R-2A zone.**

Mayor Castleberry presented Item A6 to the Council. Bryan Patrick explained that the Church owns a large two story historic house at the rear of their property which is zoned R-2A. They plan to renovate the building eventually with the Historic District Commission's approval. They will also be placing their covered van storage behind the house. There was no further discussion. Alderwoman Smith made a motion to approve the consideration and Alderwoman Mehl seconded it. The motion passed 6-0.

**7. Ordinance to rezone property at 1295 East German Lane from R-1 to R-2.**

**O-18-84**

Mayor Castleberry presented Item A7 to the Council. Alderwoman Smith moved to waive the three readings and Alderman Jones seconded it. The motion carried 6-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Jones, Alderwoman Mehl, Alderwoman Smith, Alderman Grimes, and Alderman Ledbetter. The Ordinance passed 6-0.

**8. Ordinance to rezone property located South of Irby Drive and North of Winterbrook Phase 2 from A-1 to R-1**

**O-18-85**

Mayor Castleberry presented Item A8 to the Council. Mr. Patrick stated that this was Phase III of the development of the Winterbrook property and a continuation of more single family housing. Alderwoman Smith moved to waive the three readings and Alderman Jones seconded it. The motion carried 6-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl

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seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderwoman Smith, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt and Alderman Jones. The Ordinance passed 6-0.

**9. Ordinance to rezone property located at the NE corner of the intersections of Trison Land and Bill Lucy Drive from A-1 to R-1.**

**O-18-86**

Mayor Castleberry presented Item A9 to the Council. There was no discussion. Alderwoman Smith moved to waive the three readings and Alderman Jones seconded it. The motion carried 6-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Smith, Alderman Pruitt and Alderman Grimes. The Ordinance passed 6-0.

**10. Ordinance to rezone properties located at 364 & 365 Denison Street from R-2 to MF-3.**

Mayor Castleberry presented Item A10 to the Council. Tim Tyler, Representative of applicant Stan Stapleton addressed the Council addressing concerns expressed regarding flooding near the property. He passed out copies of a flood plain study showing that there are some flooding issues due to drainage culvert issues. He told the Council that Mr. Stapleton is willing to pay to have the culverts cleaned and had an estimate of approximately \$2500 for the work. He said there is a City culvert to the south that will need to be replaced. He said the work done on the property exceeds the required for proper drainage with over 11,000 square feet of detention area. Alderwoman Mehl asked Finley Vinson, Street Department Director if the City could use drainage money to replace the culvert that Mr. Tyler mentioned. Mr. Vinson responded that he did not have enough information to make an estimate. Mr. Rodney Pearson addressed the Council and spoke in opposition to the rezoning. His opposition was based on concerns by the neighbors of flooding that would be detrimental to surrounding properties. Alderwoman Smith moved to hold the item in committee until the meeting of September 25 to allow for further consideration. Alderwoman Mehl seconded the motion. The motion to hold in committee passed 6-0.

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

**1. Ordinance appropriating funds for the Dave Ward Drive Pedestrian Overpass for the Parks & Recreation Department.**

**O-18-87**

Mayor Castleberry presented Item B1 to the Council. Steve Ibbotson, Director of Parks and Recreation addressed the Council stating that the funds were \$3.4 million from the A&P Commission, Metroplan and AHD grant monies. Alderwoman Smith moved to waive the three readings and Alderman Jones seconded it. The motion carried 6-0. Alderwoman Smith made a motion to adopt the Ordinance and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Grimes, Alderman Jones, Alderman Pruitt, Alderwoman Smith and Alderman Ledbetter. The Ordinance passed 6-0.

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

**1. Consideration to enter into an agreement with Conway Public Schools for the SRO (School Resource Officers) Program for the 2018-2019 school year.**

Mayor Castleberry presented Item C1 to the Council. Chief Jody Spradlin was present to answer questions from the Council. He stated that the terms of the agreement were the same as in previous years. Alderwoman Smith made a motion to approve the consideration to enter into the agreement, and Alderwoman Mehl seconded it. The motion carried 6-0.

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**2. Resolution to approve the purchase of the body cameras for the Conway Police Department.**

**R-18-32**

Mayor Castleberry presented Item C2 to the Council. Chief Spradlin asked the Council to approve the body cameras supplied from Watch Guard through General Services Administration, for an amount not to exceed the budgeted funds of \$250,000. Alderwoman Smith moved to approve the Resolution and Alderwoman Mehl seconded it. The Resolution passed 6-0.

**3. Discussion/Update on the Linn Trust vs. City of Conway case.**

Mayor Castleberry presented Item C3 to the Council. City Attorney Chuck Clawson updated the Council on the matter stating that the actual damages claim by the property owner in the case is one million dollars. He reminded the council that while the City has expert evaluation of the property, the opinion of the value of the property by the property owners and their stated loss will carry as much weight in a trial. Also traditionally, juries will be sympathetic to property owners. With that said he stated to the Council that his team is prepared for the trial with their witnesses and exhibits prepped and ready to go. He pointed out some discrepancies in damage estimates between the defendant's estimates and the ones given by our experts. He also pointed out the house on an aerial photograph showing the owners' house near the detention pond that they claim is now flooding due to the construction, and are claiming \$216,000 of damage. He said that the trial is set for Tuesday, September 4<sup>th</sup>. Negotiations have been underway but to no avail at this point.

**D. Personnel**

**1. Ordinance amending the employee handbook and personnel policy.**

**O-18-88**

Mayor Castleberry presented Item D1 to the Council. Jamie Brice, Purchasing Manager, and Lisa Mabry-Williams, Human Resources Director addressed the Council. Ms. Williams stated that most of the changes to the Employee Handbook was general house-keeping. The section on the old pension plan was removed and the new pension plan added. She said that the changes with regards to the pension plan was approved by the City Attorney. The Notice of Non-Discrimination was added as well as the website address for job postings. She went over various other changes made to the handbook. Ms. Brice went over several changes regarding procurement procedures. Alderwoman Smith moved to waive the three readings and Alderman Jones seconded it. The motion carried 6-0. Alderwoman Smith made a motion to adopt the Ordinance with the emergency clause and Alderwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Alderman Ledbetter, Alderwoman Mehl, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderman Grimes. The Ordinance with the emergency clause passed 6-0.

There was no further discussion. The meeting was adjourned.

**Adjournment-----**

*PASSED this 28<sup>th</sup> day of August, 2018*

**APPROVED:**

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*Mayor Bart Castleberry*

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*City Clerk Michael O. Garrett*