



CITY OF WARD

P.O. BOX 237 • WARD, ARKANSAS 72176 • 501-843-7686

Council Meeting Minutes May 15, 2023 at 6:30 PM

- I. **Call to Order:** Prayer was offered by Mayor Gastineau at 6:30pm followed by the pledge of allegiance.
- II. **Roll Call:** by City Clerk Rummel. Hall-absent, Chapman-present, McMinn-present, Hefner-present, Brooke-present, Ruble- present. We have a quorum. Council member Hall was out due to his mother-in-law in the hospital. Council deemed this as an excused absence.
- III. **Review/approval of Council Minutes:** Council member Ruble made a motion to approve the April 17, 2023 council minutes, second by council member Hefner. Discussion. Motion passes with a 5-0 voice vote. Council member Hefner made a motion to approve the May 8, 2023 special city council meeting minutes, seconded by council member Brooke. Motion passes with a 5-0 voice vote.
- IV. **Department Reports and Financials:** Council member Chapman made a motion to approve the department reports and both March and April's financials, second by council member Ruble. Motion passes with a 5-0 voice vote.
- V. **Planning Commission Report:**
Chairman Peters presented the Planning Commission report. He discussed elevating land surrounding the detention ponds in Stagecoach Estates to prevent flooding. In Magnolia West, there was a request for exemption of sidewalks due to the gradient. Tim Lemons addressed the issue and referenced a letter he sent to the council explaining the situation. Sections of the subdivision have a gradient above 5%, therefore making it exempt from having ADA approved sidewalks. Mayor Gastineau hired an engineering firm to confirm the gradient. Home developer BJ Weathers spoke concerning the ongoing dirt work within Stagecoach Estates. They are not leveling the lots where the gradient is above 5%, but rather transferring dirt to other subdivisions. Chairman Peters requested to have this issue tabled until a third engineer could confirm the slope. Mr. Weathers warned that this could deter other builders from building in Ward. Mayor Gastineau explained this was not a vindictive measure, but was simply to verify if the sidewalks should be scrapped. He also explained this would be standard practice once the new UDO is in place. Mr. Weathers went on to say that if he were to install sidewalks and a VA

inspector were to evaluate a slope that exceeds ADA compliance, would the city cover the costs associated? Tim Lemons spoke again and requested that if the sidewalks are constructed, that the home owner and the builder not be liable later on if they are not in compliance.

Council member Chapman made a motion to approve the final plat of Stagecoach Estates without the sidewalks, seconded by Council member Ruble. Roll call: Chapman-yes, McMinn – yes, Hefner-no, Brooke-no, Ruble-yes. Voting resulted in a 3-2 vote. Mayor Gastineau voted in the affirmative with a final 4-2 vote. Motions carries. Chairman Peters continued with the planning commission report. He referenced a parcel of land on Hwy 38/Old Hwy 38 for rezoning from R-1 to C-2. A public hearing was held with no support for the rezoning. He also stated that he could not get a motion to approve the rezoning from the planning commission, therefore it failed. A second public hearing was scheduled, but with the ingress and egress on Old Hwy 38. Chairman Peters stated people would walk to this establishment, creating a dangerous situation for pedestrians. By the second public hearing, nothing had been addressed other than moving the egress/ingress. Sidewalks also would not be installed due to state right of ways. The final vote was 3-2 in favor of the rezoning. Chairman Peters thought this was a mistake and requested to have this remanded back to the planning commission for further information such as sidewalks and lighting. Mayor Gastineau requested a motion to deviate from the agenda and put O-2023-10 to a vote. Council member Ruble approved the motion and council member Chapman seconded. Motion carried with a 5-0 voice vote. Council member Ruble stated he represents this zoning area, and could not find anyone in the neighborhood that supported the rezoning. Council member Brooke agreed. Mayor Gastineau opened it up for public discussion. Kellene Storey was the first to speak. She lives in Huntington Place. They have a neighborhood Facebook group where they conducted a survey in regards to the rezoning. Ms. Storey said 53 people said no, 2 said yes. She said her neighborhood did not want commercial property in the area due to traffic and unsafe sidewalks. Also, the size of the sign announcing the rezoning was too small. Mayor Gastineau said that has already been addressed and larger signs will be used in the future. Josh Guyot, owner of the property to be rezoned, spoke next in favor of the ordinance. He felt it irrelevant to discuss policing the neighborhood children, and to focus on the topic of rezoning it from residential to commercial. He also explained that the multiple site plans were merely to provide other options to choose from. They are also open to discussion. Mr. Guyot gave an example on Bill Foster Hwy that later was expanded with a turning lane once the traffic pattern was evaluated. A turning lane will not be put into place beforehand. He said Ward does not have commercial space, Cabot does. He asked the council if they would rather citizens drive to Cabot. Marcus McNiece and Dan Bartlett with Bartlett Architecture spoke next. They reworked the site plan to alleviate the traffic concerns. Michael Krenn, resident of Huntington, spoke about rezoning issues Cabot had and deteriorating property values. He felt the council should be responsible if children were to cross the highway and get injured. Anna Walton, Huntington resident, spoke about the issue of speeding and the lack of visibility surrounding the hill in that area. Heather Johnson spoke next that she lived in Huntington and was involved in an accident in this location. She spoke of the responsibility not to police children, but to provide safety. Poor lighting at the entrance of Huntington was also mentioned.

ORDINANCE 2023-10: AN ORDINANCE AMENDING THE CITY OF WARD ZONING REGULATIONS CLASSIFICATIONS AND BOUNDARIES REGARDING PROPERTY IDENTIFIED BELOW FROM AN R-1 (RESIDENTIAL) TO C-2(HIGHWAY COMMERCIAL)

Council member Chapman made a motion to approve, seconded by council member Brooke. Roll call: McMinn-no, Hefner-no, Brooke-no, Ruble-no, Chapman-no. Motion dies.

Chairman Peters concluded his Planning Commission report by stating they are still working on the UDO and plan to provide Metroplan with a copy by the end of the month. Council member Brooke made a motion to approve the Planning Commission report as presented, seconded by council member Chapman. Motion passes with a 5-0 voice vote.

VI. Unfinished Business:

A. PLANNING COMMISSION APPOINTMENT

Mayor Gastineau appointed Butch Price to the Planning Commission. Three applicants applied and were interviewed. Mr. Price originally resided in Searcy and holds a masters degree in Engineering. Mayor Gastineau swore him into office.

VII. New Business:

A. ORDINANCE O-2023-11: AN ORDINANCE ACCEPTING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF WARD, ARKANSAS, AND MAKING SAME A PART OF THE CITY OF WARD, ARKANSAS, ASSIGNING SAME TO WARDS, AND ZONING SAID ANNEXED TERRITORY

Council member Hefner made a motion to approve O-2023-10 on its first reading, seconded by council member Ruble. Roll call: Hefner-yes, Brooke-yes, Ruble-yes, Chapman-yes, and McMinn-yes. Motion passes with a 5-0 roll call vote. Council member Chapman made a motion to suspend the rules and put O-2023-11 on its 2nd and 3rd reading, seconded by council member McMinn. Motion passes with a 5-0 voice vote. Motion to adopt O-2023-11 made by council member Ruble, seconded by council member Chapman. Roll call: Brooke-yes, Ruble-yes, Chapman-yes, McMinn-yes, and Hefner-yes. Motion passes.

B. ORDINANCE O-2023-12: AN ORDINANCE CREATING AND CERTIFYING A TAX LIEN AGAINST REAL PROPERTY LOCATED IN THE CITY OF WARD FOR FUNDS EXPENDED TO PAY FOR SERVICES RENDERED DUE TO CODE VIOLATIONS, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES

Council member Brooke made a motion to approve O-2023-12 on its first reading, seconded by council member Hefner. Roll call: Ruble-yes, Chapman-yes, McMinn-yes Hefner-yes, and Brooke-yes. Motion passes. Council member Chapman made a motion to suspend the rules for the 2nd and 3rd reading, seconded by council member McMinn. Motion passes with a 5-0 voice vote. Motion to adopt O-2023-12 made by council member Hefner, seconded by council member Ruble. Roll call: Chapman-yes, McMinn-yes, Hefner-yes, Brooke-yes, and Ruble-yes. Motion passes. Council member Ruble made a motion to enact the

emergency clause, seconded by council member Chapman. Roll call: McMinn-yes, Hefner-yes, Brooke-yes, Ruble-yes, Chapman-yes. Motion passes with a 5-0 vote.

C. PLANNING COMMISSION OPENING

Discussion. There is another opening on the Planning Commission due to a member moving to Bryant. This position is open to any resident of Ward and applications must be submitted to the mayor.

VIII. Mayor's Report: See attachment.

IX. Public Comment on Non-Agenda Items: Heather Johnston had a question about the property that was to be rezoned. She heard it was part of the county. Mayor Gastineau explained it was an enclave that has since been annexed as part of city limits. Council member Chapman thanked the public for coming and voicing their concern. Public input was helpful in the decision-making process.

X. Announcements

- Mayor's Virtual Town Hall Meeting: May 18th at 6:30pm
- Planning Commission Meeting: May 22nd at 7:00pm
- Memorial Day (City Offices Closed): May 29th, all day
- HAZMAT/Shredding Event: June 6, 9 am- 12 noon
- Juneteenth (City Offices Closed): June 19th, all day
- City Council Meeting: Jun 19th, 6:30 pm

XI. Adjournment


There being no further business, the meeting was adjourned @ 7:52 pm with a motion by Council Member Ruble, second by Council Member Brooke. Motion to adjourn passed with a 5-0 voice vote.

We, the undersigned Mayor and City Clerk for the City of Ward, do hereby verify the foregoing to be true and correct record of proceedings of the City of Ward Council Meeting held on Monday, May 15, 2023 at 6:30PM.

APPROVED DATE: June 19, 2023


MAYOR CHARLES GASTINEAU

ATTEST:


CITY CLERK KRYSTAL RUMMEL

CITY SEAL