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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday, 6:00 pm  
January 11, 2022

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, Councilman Grimes, Councilwoman Mehl, Councilwoman Tucker, Councilman Ledbetter, Councilwoman Smith, Councilman Jones, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Attorney Charles Finkenbinder, City Clerk Michael Garrett.

**Call to Order: Mayor Bart Castleberry**

**Roll Call: Michael O. Garrett, City Clerk**

**Minutes: December 14, 2021 and December 28<sup>th</sup> (Special)**

Councilwoman Isby motioned to approve the **December 14, 2021** meeting minutes and the **December 28<sup>th</sup>** special meeting minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**Report of Standing Committees:**

**A. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, & Transportation, Planning & Development)**

- 1. Resolution setting a public hearing to discuss the closing of the entire alley running west to east through Block 16, Srygley Addition.**

**R-22-01**

Councilman Hawkins presented Item A1 to the Council. James Walden explained to the Council that the applicant is requesting to close the alley in order to redevelop the site which requires closing the alley. Councilwoman Smith made a motion to set the public hearing and Councilwoman Isby seconded it. A vote was called, and the motion carried 8-0.

- 2. Resolution adopting the organizational rules and procedures for the Conway City Council for the calendar year 2022.**

**R-22-02**

Councilman Hawkins presented Item A2 to the Council. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The Resolution passed 8-0.

- 3. Consideration to approve the annual transportation services for the City of Conway.**

Councilman Hawkins presented Item A3 to the Council and read the list of contracts. Faulkner County Council on Aging- \$92,000, Boys and Girls Club of Faulkner County- \$80,000, and Independent Living Services- \$30,000. Councilman Hawkins made a motion to approve the contracts for transportation services and Councilman Ledbetter seconded it. A vote was called, and the motion carried 8-0.

- 4. Consideration to approve the nominations for the Planning Commission, Tree Board, Oak Grove Cemetery, and the Central Business Improvement District.**

Councilman Hawkins presented Item A4 to the Council and read the names of the nominees. For Planning Commission for a three-year term- Drew Spurgers, Conway Tree Board for a three-year term- Treci Buchanan, Canton Ford, Josh Draper and Scott Meek, Central Business Improvement District for a six-year term- George Covington, Oak Grove Cemetery Board for a five-year term- Mary Catherine Flanagan-Glover. Councilman Hawkins made a motion to approve the nominations and Councilwoman Smith seconded it. The motion to approve carried 8-0.

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5. **Ordinance to approve the private club permit for The Mighty Crab of Conway #1 to be located at 2104 Harkrider Street, Suite 102.**

**O-22-01**

Councilman Hawkins presented Item A5 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion passed 8-0. There was no discussion. 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 Hawkins, Councilman Ledbetter, Councilman Grimes, Councilwoman Tucker, Councilwoman Smith, Councilman Jones, Councilwoman Isby and Councilwoman Mehl. The Ordinance passed 8-0.

6. **Ordinance accepting and appropriating grant funds received from the Arkansas Division of Aeronautics for the Airport Department.**

**O-22-02**

Councilman Hawkins presented Item A6 to the Council. Jack Bell addressed the Council and said that this money was from the State in the amount of \$215,703 toward the maintenance hangar. He added that it was matching funds. 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 Councilwoman Isby seconded it. There was no further discussion. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Ledbetter, Councilman Grimes, Councilwoman Isby, Councilwoman Tucker, Councilman Hawkins, Councilman Jones, and Councilwoman Smith. The Ordinance passed 8-0.

7. **Ordinance appropriating loan proceeds received from Arvest Bank to the Airport Department.**

**O-22-03**

Councilman Hawkins presented Item A7 to the Council. Jack Bell told the Council that this money was borrowed to match the funds for the T-Hanger grant. He said that the project is going very well, and he expected the hangar to be ready for occupancy by the end of the month. He added that the maintenance hangar was also progressing well and should be done by the end of February. 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 Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, Councilwoman Smith, Councilman Grimes, Councilwoman Tucker, and Councilman Hawkins. The Ordinance passed 8-0.

8. **Ordinance authorizing the reclassification of a position within the Airport Department.**

**O-22-04**

Councilman Hawkins presented Item A8 to the Council. Jack Bell told the Council that Lloyd Hartzell has been an Administrative Assistant I at the airport for 5 years and this ordinance would promote him from Admin I to Admin II. 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 Hawkins, Councilwoman Mehl, Councilwoman Smith, Councilman Grimes, Councilwoman Tucker, Councilwoman Isby, Councilman Ledbetter and Councilman Jones. The Ordinance with the emergency clause passed 8-0.

9. **Ordinance accepting and approving the annual bids for the Transportation Department.**

**O-22-05**

Councilman Hawkins presented Item A9 to the Council. Kurt Jones from the Transportation Department addressed the Council stating that annual material bids were received and asked them to approve those vendors. 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 Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Jones,

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Councilman Hawkins, Councilwoman Mehl, Councilwoman Tucker, Councilwoman Smith, Councilwoman Isby, Councilman Ledbetter, and Councilman Grimes. The Ordinance passed 8-0.

**10. Ordinance to waive the competitive bid process for Sagegrass Sewer Main Extension project.**

**O-22-06**

Councilman Hawkins presented Item A10 to the Council. Mayor Castleberry explained that this is a partnership between the City of Conway and Conway Corporation in a low to moderate income area. He said that this concerns sewer that needs to be run in that area, and the object is to use a small portion of "Rescue Funds" for the purpose and in the future instead of tap fees being paid to the City, the money would be placed into a fund, overseen by Conway Corp, to use for extending sewer into low to moderate income areas. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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 Jones, Councilwoman Mehl, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Smith, Councilwoman Isby and Councilman Hawkins. The Ordinance with the emergency clause passed 8-0.

**11. Ordinance accepting and appropriating funds for the Conway Historic District Commission.**

**O-22-07**

Councilman Hawkins presented Item A11 to the Council. James Walden told the Council that these are reimbursement funds for money spent in 2021 in the amount of \$20,114. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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 Hawkins Councilman Grimes, Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, Councilwoman Isby, Councilwoman Smith and Councilwoman Tucker. The Ordinance passed 8-0.

**12. Ordinance to rezone property located at 519 Mitchell Street from R-2A to HR.**

**O-22-08**

Councilman Hawkins presented Item A12 to the Council stating that this item was reviewed by the Planning Commission and voted 9-0 to forward to the City Council with the recommendation for approval. James Walden explained that the HR zone was created for areas in the historic district and consists of small lot, single family houses. He said that in this case, the applicant wants to split the lot but can't meet the lot size requirement on the larger portion, but the HR zoning would allow this use as it is specifically for historic residential single family infill. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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": Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilwoman Tucker, Councilman Ledbetter, and Councilwoman Isby. The Ordinance passed 8-0.

**13. Ordinance to rezone property located at 1225 E German Lane from O-2 to MF-1.**

**O-22-09**

Councilman Hawkins presented Item A13 to the Council stating that this item was reviewed by the Planning Commission and voted 9-0 to forward to the City Council with the recommendation for approval. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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. There was no discussion. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilwoman Tucker, Councilman Jones, Councilwoman Isby and Councilman Hawkins. The Ordinance passed 8-0.

**14. Ordinance to rezone property located at 766 Harkrider Street from C-3 to C-1.**

**O-22-10**

Councilman Hawkins presented Item A14 to the Council stating that this item was reviewed by the Planning Commission and voted 9-0 to forward to the City Council with the recommendation for approval. James Walden told the Council that the property consists of multiple buildings. He said that there is a small design issue that has to do with overhangs, and that it is a problem in the Old Conway Overlay Urban District. He said that some balconies that would overhang into the right of way which is not allowed in C-3 but is allowed in C-1. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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": Councilwoman Tucker, Councilman Grimes, Councilwoman Smith, Councilwoman Isby, Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, and Councilman Hawkins. The Ordinance passed 8-0.

**15. Ordinance to rezone property located at 766 Harkrider Street from R-2A to C-3.**

**O-22-11**

Councilman Hawkins presented Item A15 to the Council. James Walden said that this matter is a continuation of the previous rezoning. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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": Councilwoman Mehl, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilman Grimes, Councilwoman Smith, Councilwoman Tucker and Councilman Hawkins. The Ordinance passed 8-0.

**16. Consideration to approve a conditional use permit to allow Self-Storage and Boat and RV Storage in the TJ zoning district for property located at 285 and 291 Highway 65N.**

Councilman Hawkins presented Item A16 to the Council. James Walden explained that the "TJ" zone is Territorial Jurisdiction, and it is a designation created for properties on the north side of town and outside of the City limits and requires a conditional use permit for most any type of use. He added that there was no opposition to the application, and it was recommended for approval unanimously by the Planning Commission with conditions as listed on the permit. There was no further discussion. Councilwoman Smith made a motion to approve the conditional use permit and Councilwoman Isby seconded it. The motion to approve passed 8-0.

**17. Consideration to appeal the Planning Commission denial of a request for a conditional use permit to allow Retail Restricted in the O-2 zoning district for property located at 450 Hogan Lane.**

Councilman Hawkins presented Item A17 to the Council, stating that at the December 20<sup>th</sup> Planning Commission meeting it was voted 4 in favor, 3 against and 2 abstentions. James Walden explained that the location of the retail business (produce stand) is moving down the street from its present location to Hogan and College where there is an office park area and is not a location where there are any existing retail uses. He added that the City Comprehensive plan does not indicate retail in that area now or in the future, but if Planning Commission approved it, that would set a precedent, and in the future staff would review as if retail use was appropriate in that area. The recommendation was based on the fact that such a use has not been allowed up to this point. He added that at the Planning Commission meeting there were citizens present showing both favor and opposition to the rezoning. Councilwoman Smith asked where the businesses were located that opposed the rezoning and Mr. Walden said that he thought it was someone who owns property but does not yet have a business there. Stefanie Schrekenhofer addressed the Council as a business owner in the area stating that although the retail business is relocating, it is very close to where it was previously, and she pointed out that there was support for the relocation from businesses in the area. She added that the bank that would actually be sharing a driveway entrance with the business was in favor as well. She said that she owns several buildings adjacent to the proposed location and have not received any negative feedback from any of her tenants regarding the relocation of a retail business there. There was some discussion about traffic impact at that location. Councilwoman Smith asked if this conditional use permit would apply just to this applicant and Mr. Walden said that the rezoning would allow

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retail at that location in perpetuity. He told the Council that they might consider adding a condition that if the permit is not utilized within two years, it lapses. Or if the permit ceases to be used for a period of two years, it lapses. He added that there were three options: One would be to deny it, another would be to approve it as is, another is to approve with conditions. Councilwoman Smith made a motion to approve the conditional use permit with the added condition that it only apply to the produce stand only, and any other use by another retail business would require re-approval. Councilwoman Isby seconded the motion. The motion to approve with the added condition was carried 8-0.

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

**1. Resolution accepting a grant received from the Department of Justice for the Conway Police Department.  
R-22-03**

Mayor Castleberry presented Item B1 to the Council. Police Chief Tapley addressed the Council and explained that this grant was a mental health initiative and would provide funds for a co-responder model within the police department so that there would be a mental health worker that would respond to certain types of calls and would follow up to ensure that a person would receive access to proper resources. He added that the grant was received in December and is a matching grant with the possible City portion being up to \$192,875, but he said he didn't think all of the funds would be used. He said that this is a pilot program and is a new opportunity for the department. He added that Sergeant Johnson was responsible for initiating the program. Councilwoman Smith made a motion for the adoption of the Resolution and Councilwoman Isby seconded it. A vote was called, and the Resolution passed 8-0.

**Adjournment-----**

*PASSED this 11<sup>th</sup> day of January 2021*

**APPROVED:**

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*Mayor Bart Castleberry*

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*City Clerk Michael O. Garrett*