
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:00 pm
January 26, 2021

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

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett, City Clerk

Minutes: January 12, 2021

Councilwoman Isby motioned to approve the **January 12, 2021** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Monthly Financial Report ending December 31, 2020

Tyler Winningham, Chief Financial Officer addressed the Council stating after almost a year of dealing with Covid-19, the City has ended 2020 in a good position. He added that sales tax finished at 5% above last year, and 7% for the month of December. He said that Permits had a good year as well with building permit revenue up 12% over what was budgeted. He added that on the other hand, revenues from Parks & Recreation and Beverage taxes were down due to limited capacity of restaurants and reduced programs. He said expenditures were down for the year. He pointed out that the operating cash is up due to the CARES Act reimbursement the City received and the reserve cash is up because of the first of four \$250,000 contributions that will be made to that account to get the total back up to two million dollars. Mr. Winningham gave a brief overview of the other major operating funds including Transportation, Sanitation and Airport. Councilwoman Smith made a motion to approve the monthly financials and Councilwoman Isby seconded it. The motion carried 8-0.

Report of Standing Committees:

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

1. Ordinance approving a private club permit for Chivos Locos located at 1090 Skyline Drive.

Councilman Hawkins made a motion to table this item until a later date. Councilman Ledbetter seconded the motion. The motion carried 8-0.

2. Resolutions requesting the Faulkner County Tax Collector place a lien against various properties for expenses incurred by the City.

R-21-04

Councilman Hawkins presented the Resolution to place a lien on property located at 411 S. Ash street in the amount of \$161.29 to the Council. There was no one present to represent the property. There was no further discussion. Councilwoman Smith made a motion to adopt the Resolutions and Councilwoman Isby seconded it. The Resolution passed 8-0.

R-21-05

Councilman Hawkins presented the Resolution to place a lien on property located at 1824 South Blvd in the amount of \$187.29 to the Council. There was no one present to represent the property. There was no further discussion. Councilwoman Smith made a motion to adopt the Resolutions and Councilwoman Isby seconded it. The Resolution passed 8-0.

R-21-06

Councilman Hawkins presented the Resolution to place a lien on property located at 217 Davis Street in the amount of \$457.76 to the Council. There was no one present to represent the property. There was

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no further discussion. Councilwoman Smith made a motion to adopt the Resolutions and Councilwoman Isby seconded it. The Resolution passed 8-0.

R-21-07

Councilman Hawkins presented the Resolution to place a lien on property located at 135 Even Lane in the amount of \$506.28 to the Council. There was no one present to represent the property. There was no further discussion. Councilwoman Smith made a motion to adopt the Resolutions and Councilwoman Isby seconded it. The Resolution passed 8-0.

- 3. Ordinance appropriating funds from the Arkansas Department of Transportation for the Oak Street and I-40 Improvements Project for the Transportation Department.**

O-21-14

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

- 4. Resolution authorizing the City to enter into a settlement agreement with Southeast Realty, LLC for completion of the Donaghey Avenue Project, Phase 1.**

R-21-08

Councilman Hawkins presented Item A4 to the Council. Charles Finkenbinder, City Attorney addressed the Council stating that this is a parcel of property that is necessary to acquire to complete the Phase I of the Donaghey Avenue Improvement Project. He added that it is for the roundabout at College and Donaghey Avenue. He explained that it was necessary to file a condemnation action because an agreement could not be reached with the property owners, also requiring litigation to acquire the immediate access for the Transportation Department to stay on task. He told them that the immediate order was granted, and the Court issued an order directing the City to deposit \$300,000 into the registry of the Court pending final outcome. There were no questions from the Council. Councilwoman Smith made a motion to adopt the Resolution and Councilman Jones seconded it. The Resolution passed 8-0.

- 5. Ordinance to annex +/- 66.87 acres south of Nutters Chapel Road, east of Ridgedale Circle.**

O-21-15

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 carried 8-0. James Walden addressed the Council stating this annexation is for a pending application for a 154-lot subdivision with the first phase of 51 lots being approved at the last Planning Commission meeting. He said that this development will take access from Ridgedale Circle which is outside the City and Nutter Chapel to the north. It is to be developed as a single-family subdivision. Councilman 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.

- 6. Ordinance to rezone +/- 2.32 acres located at the terminus of Sagegrass Drive, south of South Sterling Subdivision, from R-1 to PUD.**

O-21-16

Councilman Hawkins presented Item A6 to the Council stating that this was reviewed by the Planning Commission at their meeting of January 19th and was voted 8-0 to send to City Council with a recommendation for approval with conditions. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. James Walden explained that this is to allow a 15-lot subdivision which is an extension of the South Sterling PUD. He explained the conditions attached to the rezoning which are intended to create a more unique standard for the type of development. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The motion carried 8-0. Councilman Jones asked if anyone in the area had expressed

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opposition to the rezoning and Mr. Walden stated that there was no opposition noted. He said that there was a public involvement meeting prior to the Planning Commission Meeting. He added that Sagegrass would not connect to the new subdivision. There was no further discussion. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Pruitt, Councilwoman Mehl, Councilwoman Isby, Councilman Hawkins, Councilman Ledbetter, Councilman Grimes, and Councilman Jones voting "No". The Ordinance passed 7-1.

7. Ordinance to rezone +/- 16.77 acres east of East German Lane, south of Lower Ridge Road from A-1 to R-2.

O-21-17

Councilman Hawkins presented Item A7 to the Council stating that this was reviewed by the Planning Commission at their meeting of January 19th and was voted 8-0 to send to City Council with a recommendation for approval. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. James Walden explained that the property was annexed by Hal Crafton for a development and the first phase has been approved. This rezoning would allow duplex residential. There was no further discussion. 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 Pruitt, Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Jones, Councilman Hawkins, and Councilwoman Isby. The Ordinance passed 8-0.

8. Ordinance to rezone property located at 4725 Prince Street from A-1 to R-1.

O-21-18

Councilman Hawkins presented Item A8 to the Council stating that this was reviewed by the Planning Commission at their meeting of January 19th and was voted 7-0 with 1 abstention to send to City Council with a recommendation for approval. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. James Walden explained the site is being used as a single-family home. 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 Grimes, Councilman Pruitt, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Smith, and Councilman Hawkins. The Ordinance passed 8-0.

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

1. Ordinance authorizing personnel changes within the Physical Plant Department.

O-21-19

Mayor Castleberry presented Item B1 to the Council. Spencer Clawson addressed the Council stating that a full-time position would be added in place of several part-time positions. He added that this is a budget-neutral change. 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 and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye:" Councilwoman Isby, Councilman Ledbetter, Councilman Grimes, Councilman Jones, Councilman Pruitt, Councilman Hawkins, Councilwoman Smith and Councilwoman Mehl. The Ordinance passed 8-0.

2. Ordinance appropriating funds from the sale of property for the Sanitation Department.

O-21-20

Mayor Castleberry presented Item B2 to the Council stating that the property is the future home of the mountain bike park and a strip of the property was sold to the adjoining owner to create a buffer. Councilwoman Smith made a motion to waive the three reading and Councilwoman Isby 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 Ledbetter, Councilwoman Smith, Councilman Grimes, Councilman Hawkins, Councilman Pruitt, Councilman Jones and Councilwoman Isby. The Ordinance passed 8-0.

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C. Finance

**1. Ordinance to restructure the Physical Plant Department and the Planning & Development Department.
O-21-21**

Mayor Castleberry presented Item C1 to the Council. Tyler Winningham explained that the budget is already reflective of this change. He said they took positions from the Permitting and Codes Department and divided them among the Physical Plant and Planning & Development Departments. Councilwoman Smith made a motion to waive the three reading and Councilwoman Isby 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 Pruitt, Councilwoman Mehl, Councilman Grimes, Councilman Hawkins, Councilman Ledbetter, Councilwoman Smith, Councilman Jones and Councilwoman Isby. The Ordinance passed 8-0.

Adjournment-----

PASSED this 26th day of January 2021

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett