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# MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday, 6:00 pm  
July 26, 2022

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members were present and acting: Councilman Hawkins, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Tucker, Councilman Grimes, Councilwoman Smith, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Attorney Charles Finkenbinder, City Clerk Michael Garrett. Councilman Jones was not present.

**Call to Order: Mayor Castleberry**

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

**Minutes: June 28<sup>th</sup>, 2022**

Councilwoman Smith motioned to approve the **June 28, 2022** meeting minutes as submitted. Councilwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

**Monthly Financial Report Ending June 30<sup>th</sup>, 2022**

Mayor Castleberry summarized the monthly financials for the Council. Councilwoman Smith made a motion to approve the monthly financials and Councilwoman Isby seconded it. The motion to approve carried 7-0.

**Report of Standing Committees:**

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

Mayor Castleberry asked the Council to suspend the rules to move Item A9 to the top of the Agenda. Councilwoman Smith made a motion to move the item and Councilwoman Isby seconded it. A vote was called, and motion carried 7-0.

**Consideration to approve the appeal of an Ordinance to rezone +- 3.88 acres east of Bill Bell Lane at the intersection of Acuff Lane from R-1 to C-2.**

**O-22-71**

Councilman Hawkins explained that this is an appeal of a rezoning request. He said that Chris Thornton with MCMG LLC had requested to rezone from R-1 to C2, 3.88 acres. The proposed rezoning is not consistent with the comprehensive plan which calls for single-family residential in the area. He added that Planning Commission reviewed the request and after considerable comments from the public the Commission voted 1/6 denying the rezoning request. He told the Council that they had two options: to uphold the Planning Commission's decision and deny the application or overturn the decision and approve the application as amended. Chris Thornton addressed the Council explaining the project and the reasons for requesting the rezoning. He addressed the traffic concerns and issues, and the industrial park in the area. He said that the purpose of the rezoning would be to create a transitional zone between the industrial park and the residential neighborhood. He explained what the storage facility development would look like in that situation. Bobby French addressed the Council and spoke in favor of the development. Brett Carroll of Conway Corporation told the Council that Conway Corp is building a road for their use just south of the development in question, and that they were in favor of the development as it would provide a buffer between their operations and the residential area. Kelly Thornton spoke in favor of the development. A citizen who resides in the neighborhood adjacent spoke in favor of the development. Buck Bean, Donna Johnson, David Johnson, and several other residents who live near the development in question spoke in opposition to the rezoning stating traffic concerns, safety, and what the rezoning would mean for future development. Several Councilmembers asked questions of Mr. Walden, regarding traffic and the comprehensive plan. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded the motion. The motion carried 7-0. Councilman Hawkins made a motion to approve the rezoning request and Councilwoman Tucker seconded it. There was much discussion among the Council regarding rezoning from R-1 to a

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## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Commercial zoning. It was agreed that Mr. Thornton has a history of building quality developments in the City, but there was concern about this rezoning going against the comprehensive plan and what the rezoning could mean for future development, and the concerns of the citizens who have invested in the residential areas. The Clerk called the roll with the following voting "Aye": Councilwoman Tucker and Councilman Hawkins, and the following voting "No": Councilman Ledbetter, Councilwoman Isby, Councilwoman Mehl, Councilman Grimes and Councilwoman Smith. The Ordinance for rezoning failed 2-5.

- 1. Resolution requesting the Faulkner County Tax Collector place a lien on property at 602 5<sup>th</sup> Street for expenses incurred by the City for Code Enforcement.**

**R-22-33**

Councilman Hawkins presented Item A1 to the Council. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. A vote was called, and the Resolution passed 7-0.

- 2. Ordinance authorizing personnel changes within the Administration Department.**

**O-22-72**

Councilman Hawkins presented Item A2 to the Council. Mayor Castleberry told the Council that this a new position with funding in the budget. The Business Service Coordinator will help assist the permits department in the issuance of building permits and streamline the process. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Ledbetter, Councilwoman Mehl, Councilman Grimes, Councilwoman Tucker, Councilwoman Isby, Councilwoman Smith and Councilman Hawkins. The Ordinance passed 7-0.

- 3. Ordinance amending Title 11 of the Conway Municipal Code for the adoption of the 2018 Plumbing and Gas Code, adoption of the 2021 Mechanical Code for the Permits & Inspections Department.**

**O-22-73**

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 carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. Cecil Corning, Director of Permits and Inspections addressed the Council telling them of the updates and changes to the respective codes. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilwoman Mehl, Councilwoman Smith, Councilwoman Tucker, Councilman Hawkins, Councilman Grimes, and Councilman Ledbetter. The Ordinance passed 7-0.

Councilman Ledbetter left the meeting.

- 4. Ordinance appropriating reimbursement funds from Conway Aircraft for the Airport Department.**

**O-22-74**

Councilman Hawkins presented Item A4 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 6-0. 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 Smith, Councilman Hawkins, Councilwoman Isby, Councilwoman Mehl, Councilwoman Tucker, and Councilman Grimes. The Ordinance passed 6-0.

Councilman Ledbetter re-joined the meeting.

- 5. Ordinance appropriating matching grant funds from Arkansas Division of Aeronautics for Maintenance hangar construction for the Airport Department.**

**O-22-75**

Councilman Hawkins presented Item A5 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Ledbetter, Councilman Grimes,

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## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Councilwoman Tucker, Councilwoman Smith, Councilwoman Isby and Councilwoman Mehl. The Ordinance passed 7-0.

**6. Ordinance appropriating matching grant funds from Arkansas Division of Aeronautics for T-Hangar construction for the Airport Department.**

**O-22-76**

Councilman Hawkins presented Item A6 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 7-0. 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 Mehl, Councilman Ledbetter, Councilman Grimes, Councilwoman Isby, Councilwoman Tucker, Councilman Hawkins, and Councilwoman Smith. The Ordinance passed 7-0.

**7. Ordinance approving the replacement of the box culvert on Nutter Chapel for the Transportation Department.**

This item was withdrawn from the Agenda.

**8. Resolution entering into an agreement with Faulkner County to replace the bridge on Middle Road over Gold Creek for the Transportation Department.**

**R-22-34**

Councilman Hawkins presented Item A8 to the Council. Kurt Jones Director of Transportation addressed the Council stating that the City is doing the drawings for the project and overseeing construction inspection and the County will construct the Bridge. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. A vote was called, and the Resolution passed 7-0.

**9. Consideration to approve the appeal of an Ordinance to rezone +- 3.88 acres east of Bill Bell Lane at the intersection of Acuff Lane from R-1 to C-2.**

**O-22-71**

This item was moved to the top of the Agenda.

**10. Ordinance amending Ordinance O-99-95 and establishing amended procedures to be followed prior to annexation of property to the City of Conway for the Planning Department.**

**O-22-77**

Councilman Hawkins presented Item A10 to the Council. James Walden told the Council that this amendment would alleviate some of the problems associated with legal subdivisions annexing into the City. He added that there has been an increase in annexations recently, so the amended procedures were necessary to maintain the intent and simplifying some of the review and prevent subverting of the subdivision ordinance. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Isby, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Smith, Councilman Grimes, Councilwoman Tucker, and Councilman Hawkins. The Ordinance passed 7-0.

**11. Ordinance amending the Conway Zoning Code establishing standards for tree planting for all new construction of single-family/duplex dwellings for the Planning Department.**

**O-22-78**

Councilman Hawkins presented Item A11 to the Council. James Walden told the Council that there has been concern about trees being cut down in the process of single family developments. He added that this amendment would provide mitigation for the issue of substantial amount of tree loss as a result of these developments. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following

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## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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voting "Aye": Councilman Hawkins, Councilwoman Mehl, Councilwoman Smith, Councilman Grimes, Councilwoman Tucker, Councilwoman Isby, and Councilman Ledbetter. The Ordinance passed 7-0.

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

- 1. Ordinance waiving the bis process, appropriating funds, and approving the purchase of five vehicles, for the Sanitation Department.**

#### **O-22-79**

Mayor Castleberry presented Item B1 to the Council. Joe Hopper told the Council that three trucks were lost to fire last April, and that insurance funds have been received for the loss. He said that trucks have been located and asked the Council to approve the purchase of the new vehicles. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 7-0. Councilwoman Isby made a motion to adopt the Ordinance along with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilwoman Mehl, Councilwoman Tucker, Councilwoman Smith, Councilwoman Isby, Councilman Ledbetter and Councilman Grimes. The Ordinance with the emergency clause passed 7-0.

- 2. Resolution to remove assets from inventory and for other purposes for the Sanitation Department.**

#### **R-22-35**

Mayor Castleberry presented Item B2 to the Council. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called, and the Resolution passed 7-0.

- 3. Ordinance appropriating funds for playground and equipment at MLK Square for the Parks & Recreation Department.**

#### **O-22-80**

Mayor Castleberry presented Item B3 to the Council. Steve Ibbotson asked the Council to approve the appropriation of \$373,696.34 for the playground at MLK Park. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Grimes, Councilwoman Mehl, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Smith, Councilwoman Isby and Councilman Hawkins. The Ordinance passed 7-0.

- 4. Ordinance accepting the bid from JCI Construction, Inc. for Pompe Park/Veteran's Plaza Phase I for the Parks & Recreation Department.**

#### **O-22-81**

Mayor Castleberry presented Item B4 to the Council. He recognized Mike and Peggy Mason for their vision for this project. He showed the Council the conceptual drawing of the monument at Pompe Park. Steve Ibbotson asked the Council to accept the low bid from JCI for Phase 1 of Pompe Park of which the Veteran's Plaza will be the centerpiece. He added that the groundbreaking will be August 1. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Hawkins, Councilman Grimes, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Isby, Councilwoman Smith and Councilwoman Tucker. The Ordinance passed 7-0.

- 5. Discussion of future plans for Centennial Park.**

This item was removed from the Agenda.

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

- 1. Ordinance appropriating funds received from JSI Metal (Linn's Auto) for the Fire Department.**

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# MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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## **O-22-82**

Mayor Castleberry presented Item C1 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Mehl, Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilwoman Tucker, Councilman Ledbetter, and Councilwoman Isby. The Ordinance passed 7-0.

### **2. Ordinance appropriating funds for repairs for Battalion 5 for the Fire Department.**

## **O-22-83**

Mayor Castleberry presented Item C2 to the Council. Chief Winter told the Council that Battalion 5 was involved in an accident and insurance monies were received from Municipal League. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 7-0. 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 Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilwoman Tucker, Councilwoman Isby and Councilman Hawkins. The Ordinance passed 7-0.

### **3. Ordinance appropriating donation funds for fire safety promotional products for the Fire Department.**

## **O-22-84**

Mayor Castleberry presented Item C3 to the Council. Chief Winter told the Council that Centennial Bank donated \$5,000 for the fire safety materials. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Tucker, Councilman Grimes, Councilwoman Smith, Councilwoman Isby, Councilman Ledbetter, Councilwoman Mehl, and Councilman Hawkins. The Ordinance passed 7-0.

### **4. Ordinance accepting the bid from Western Mill Wright and appropriating funds to replace the siding at the Conway Animal Welfare Unit.**

## **O-22-85**

Mayor Castleberry presented Item C4 to the Council. Chief Winter told the Council that the Animal Welfare building was in need of repair. He said the metal siding is rusting. He asked them to accept the lowest bid for the repairs from Western Millwright for \$76,500. He added that they had budgeted \$45,000 for the repairs and ask them to approve the use of Ad Val monies to pay for the remainder. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Ledbetter, Councilman Grimes, Councilwoman Smith, Councilwoman Tucker, and Councilman Hawkins. The Ordinance passed 7-0.

## **D. New Business**

### **1. Resolution approving the City of Conway American Rescue Act Plan project list.**

## **R-22-36**

Mayor Castleberry presented Item D1 to the Council. Felicia Rogers told the Council that the project list before them was the same as they received in June with the exception of the Parks & Recreation turf. It was listed as a receipt of \$750,000 which was taken out and added to the Conway Fire Department Station #3. She added that the total amount of the Rescue Act Funds was 5 million dollars. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called, and the Resolution passed 7-0.

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## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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**2. Ordinance appropriating funds for employee bonuses.**

**O-22-86**

Mayor Castleberry presented Item D2 to the Council. He told the Council that this bonus was part of the Rescue Act Funds and would equal a one-time 3% raise. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 7-0. 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 Hawkins, Councilman Grimes, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Isby, Councilwoman Smith, and Councilwoman Mehl. The Ordinance passed 7-0.

**3. Ordinance appropriating funds for Lake Beaverfork boat dock slips for the Parks & Recreation Department.**

**O-22-87**

Mayor Castleberry presented Item D3 to the Council. Steve Ibbotson asked the Council to approve \$550,000 for the boat slips and the relocation of the breakwater at Beaverfork Lake. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Ledbetter, Councilwoman Tucker, Councilman Hawkins, Councilwoman Isby, Councilwoman Mehl, Councilman Grimes and Councilwoman Smith. The Ordinance with the emergency clause passed 7-0.

**4. Ordinance appropriating funds to pay off fire truck for the Fire Department.**

**O-22-88**

Mayor Castleberry presented Item D4 to the Council. Chief Winter told the Council that this is the truck that the department has been paying on for five years. He added that there was a final payment due at the end of the year in the amount of \$96,517.90, but he asked for approval to pay the truck off early. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Mehl, Councilman Grimes, Councilwoman Tucker, Councilwoman Isby, Councilwoman Smith, and Councilman Hawkins. The Ordinance passed 7-0.

**5. Ordinance appropriating funds for Conway Fire Station #3 Building for the Fire Department.**

**O-22-89**

Mayor Castleberry presented Item D5 to the Council. Chief Winter told the Council that after some months of working with the architect and contractor, they were asking for an increase \$1,250,000 for the construction of Station #3. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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, Councilwoman Mehl, Councilwoman Smith, Councilwoman Tucker, Councilman Hawkins, Councilman Grimes, and Councilman Ledbetter. The Ordinance passed 7-0.

**6. Ordinance appropriating funds for the Lower Ridge Water Project which will be a joint project with Faulkner County, Conway Corporation, and the City of Conway.**

**O-22-90**

Mayor Castleberry presented Item D6 to the Council explaining how the project would work. Brett Carroll with Conway Corporation told the Council that approximately 286 customers within the City limits would be affected. He added that the customers in the project area do not have good water. He told them that there had been four or five Quorum Court meetings to get approval of the \$1,570,000 that the County is going to fund on the project. He said that the Conway Corp and the City portion is \$875,000 that will be split equally, with the total cost of the project not including in-house labor and contingencies is about 2.5 million dollars. He added that the wells in the area were tested and that 73% tested inadequate and even unsafe. He also mentioned that when water

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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becomes available it will facilitate the development of two parcels of land, which could mean up to 219 lots likely to be annexed into the City. He showed the Council the breakdown of existing customers in the City and County, and those future lots to be developed for a total of 265 for both water and sewer. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Smith, Councilman Ledbetter, Councilman Hawkins, Councilwoman Isby, Councilwoman Mehl, Councilwoman Tucker, and Councilman Grimes. The Ordinance passed 7-0.

**Adjournment-----**

*PASSED this 26<sup>th</sup> day of July 2022*

**APPROVED:**

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*Mayor Bart Castleberry*

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*City Clerk Michael O. Garrett*