



City of Conway, Arkansas
CITY COUNCIL
Agenda • September 13, 2022
www.conwayarkansas.gov

Elected Officials
Mayor Bart Castleberry
City Clerk Michael O. Garrett
City Attorney Charles Finkenbinder

Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Anne Tucker
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Mark Ledbetter
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

5:30pm: Discussion of Non-Uniform Pension
6:30pm: City Council Meeting • City Council Chambers • 1111 Main Street
Call to Order: Bart Castleberry, Mayor
Roll Call: Michael O. Garrett, Clerk/Treasurer
Minutes Approval: August 23, 2022

- A. Economic Development Committee (Conway Area Chamber of Commerce, Conway Development Corporation, Conway Downtown Partnership, & Conway Corporation)**
1. Resolution accepting the donation of a utility easement from Stephens Real Estate Investments for Conway Corporation.
 2. Resolution approving new water source for Faulkner and Conway County from Conway Corporation.
- B. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, & Transportation, Planning & Development)**
1. Ordinance appropriating funding for Program Year 2022 for the Community Development Block Grant Program.
 2. Ordinance appropriating funds for the T-hangar construction project for the Conway Airport.
 3. Ordinance appropriating funds to purchase aviation fuel for resale at the Conway Airport.
- C. Public Safety Committee (District Court, Department of Information Systems & Technology, Animal Welfare, Communication Emergency Operations Center, Police, Fire, & Office of the City Attorney)**
1. Ordinance appropriating funds for fuel replenishment for the Conway Police Department.
 2. Ordinance appropriating insurance funds received for the Conway Fire Department.
 3. Resolution approving the re-allocate of funds for the Conway Fire Department.
 4. Ordinance approving the purchase of a pumper and rescue unit with PNC Equipment for the Conway Fire Department.

Adjournment



**City of Conway, Arkansas
Resolution No. R-22-_____**

A RESOLUTION ACCEPTING A DONATED UTILITY EASEMENT FROM STEPHENS REAL ESTATE INVESTMENTS LLC; AND FOR OTHER PURPOSES

Whereas, in support of downtown beautification, Conway Corporation (“Conway Corp”) negotiated with Stephens Real Estate Investments LLC (“Stephens”) to acquire a utility easement to relocate aerial lines and equipment to underground and ground-mounted locations; and

Whereas, after negotiating the value of said easement at \$1,210.50, Stephens agreed to donate the same thereby reducing project costs for the citizens of Conway; and

Whereas, the terms of the utility easement and graphic description of the same are attached hereto as Exhibit A; and

Whereas, Ark. Code § 14-54-302(b) provides that the execution of all conveyances shall be performed by the mayor and city council when authorized by a resolution in writing and approved by a majority vote of the governing body of the municipality present and participating.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. The utility easement attached as Exhibit A is hereby accepted and approved. The Mayor and City Clerk are hereby authorized to execute the same as provided by Ark. Code § 14-54-302(b).

Section 2. The Mayor and City Clerk and hereby authorized to execute to such documents as may be deemed necessary or advisable to memorialize the donation of the utility easement described herein.

Section 3. All resolutions in conflict herewith are repealed to the extent of the conflict.

PASSED this 13th day of September, 2022.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



Carter Law Firm, LLC

P.O. Box 1428, Conway, Arkansas 72033 | Office: (501) 352-9587

August 30, 2022

Charles Finkenbinder
Conway City Attorney
1234 Main Street
Conway, AR 72034

RE: Easement for Conway Corporation Undergrounding Project

Dear Charles,

On behalf of Conway Corporation (“Conway Corp”), I request that you seek approval from the Conway City Council to accept the donation of the attached easement from Stephens Real Estate Investments LLC (“Stephens”). The easement will facilitate the relocation of wires and equipment from aerial to underground and ground-mounted locations in a manner that will improve the downtown aesthetic. Please note that after Conway Corp and Stephens negotiated a fair market value, Stephens agreed to donate the easement. This donation will reduce the cost of the project for citizens of Conway.

Please let me know when this matter will be presented to the council as I would like to attend. I’ll do my best to answer any questions that city leaders may have regarding this issue.

Thanks for all you do,

A handwritten signature in black ink that reads "C. Jason Carter".

Jason Carter



**City of Conway, Arkansas
Resolution No. R-22-___**

**A RESOLUTION FOR A NEW WATER SOURCE FOR FAULKNER AND CONWAY
COUNTIES; AND FOR OTHER PURPOSES**

Whereas, Conway Corporation serves water to all of Conway and parts of Faulkner County;
and

Whereas, Conway County Regional Water Distribution District serves water to all of Conway
County; and

Whereas, both water systems serve their customers from Brewer Lake; and

Whereas, the need for water is expected to exceed the capacity of Brewer Lake by the year
2037; and

Whereas, it is necessary to have water available from different sources in anticipation of
adverse consequences; and

Whereas, the permitting, engineering and construction of a new water source will take
multiple years; and

Whereas, Conway Corporation approved this Resolution on August 16, 2022.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Conway, Arkansas that;

Section 1. It is imperative for the health and welfare of the citizens of Faulkner and
Conway Counties that a new water source be developed at this time.

Section 2. Public Health and Safety is directly related to an adequate and reliable water
source for human consumption; sanitation needs; and fire protection.

Section 3. Both water providers serve low income and underprivileged parts of their
communities which will be directly and negatively impacted by the loss of an adequate, reliable
and affordable water source.

Section 4. An adequate, reliable and economical water source is essential to economic
development and thus essential to a community and the sustainability of its workforce.

Section 5. A new drinking water source for the public will also provide habitat for multiple
aquatic and terrestrial species. Migrating endangered bat species, like the Indiana Bat, will have
an additional, reliable water source while moving through Arkansas. New wetlands created from
the impoundment of water will also benefit many migratory waterfowl and shore-wading bird
species. Multiple fish species would also provide a new source of recreation and food for the
residents of Arkansas and tourists.

Section 6. Brewer Lake and the surrounding buffer is used for fishing, boating, hunting,
nature watching and many other recreational uses by people from all over the State and beyond.
The proposed new water source will be another such greatly utilized recreational resource for the
people of Arkansas.

Section 7. Regulations that have been enacted to protect the environment for the
populace have led to drastic unintentional cost and time increases and all too often, final denial
of water source development projects and thus the endangerment of the very people the
regulation was meant to serve.

Section 8. It is critical that public entities, including the water providers, the cities they
serve, Faulkner and Conway Counties, the State of Arkansas and the Federal Government come

together to fund and promote the timely fulfillment of this required life sustaining project to construct a new water source in Conway County to supplement Brewer Lake.

Section 9. This proposed water source was contemplated in the February 2001, US Army Corps of Engineers, *Water Supply Study City of Conway, Arkansas Section 22, Water Resource Development Act of 1974*, Report of Findings as Site 1 and located on the East Fork of Point Remove Creek.

ADOPTED this 13th day of September 2022.

Approved:

Mayor, Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Ordinance No. O-22-_____**

AN ORDINANCE ACCEPTING FEDERAL FUNDING, APPROPRIATING GRANT REVENUE & APPROVING CONTRACTS FOR SERVICES FOR THE CONWAY COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM; AND FOR OTHER PURPOSES:

Whereas, the Department of Housing and Urban Development (“HUD”) has awarded grant funds to the Community Development Block Grant (“CDBG”) in the amount of \$481,835 for FY2022 funding; and

Whereas, each nonprofit agency receiving funding must enter into an agreement with the Community Development Block Grant Program.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. The City of Conway shall accept grant proceeds from HUD in the amount of \$481,835 for Community Development Block Grant activities.

Section 2. The City of Conway shall appropriate \$481,835 to the following projects:

\$313,192.75	Project - Overnight Emergency Shelter
\$96,367.00	Administration
\$31,759.00	Services - Boys & Girls Club of Faulkner County - Transportation
\$22,758.00	Services - Faulkner County Council on Aging – Transportation
\$17,758.00	Services - Independent Living Services - Transportation

Section 3. The City of Conway shall approve entering into agreements with all the listed agencies above for the Program Year 2022 once all contracts with HUD has been executed by the City of Conway.

Section 4. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 13th day of September, 2022.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Ordinance No. O-22-__**

AN ORDINANCE APPROPRIATING FUNDS FOR THE CITY OF CONWAY AIRPORT T-HANGAR CONSTRUCTION; AND FOR OTHER PURPOSES

Whereas, the cost of construction has increased dramatically, causing an increase in the construction cost of the new T-Hangar.

Whereas, the Airport department requests an appropriation of \$47,687 from the Airport Fund Balance to the Building Acquisition account to cover the increased cost.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. The City of Conway shall appropriate \$47,687 from the Airport Fund Balance Appropriation account (550.109.4900) to the Building Acquisition account (550.109.5903) in the 2022 budget.

Section 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 13th day of September, 2022.

Approved:

Mayor Bart Castleberry

Attest:

**Michael O. Garrett
City Clerk/Treasurer**



City of Conway, Arkansas
Ordinance No. O-22-__

AN ORDINANCE APPROPRIATING FUNDS TO PURCHASE AVIATION FUEL FOR THE AIRPORT DEPARTMENT, DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

Whereas, the airport department, because of an increase in fuel prices and fuel sales, has expended the amount budgeted for 2022 to purchase aviation fuel for resale.

Whereas, the Airport department requests an appropriation of \$500,000 for the purchase of aviation fuel for resale.

Whereas, the Airport Department will be expending said funds to purchase aviation fuel for resale

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS THAT:

Section 1. The City of Conway shall appropriate \$500,000 from the Airport Fund Balance Appropriation account (550.109.4900) to the Aviation Fuel for Resale (550.109.5635) in the 2022 budget.

Section 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

Section 3. This ordinance is necessary for the protection of the public peace, health, and safety; an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 13th day of September, 2022.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Ordinance No. O-22- ____**

AN ORDINANCE APPROPRIATING FUNDS TO REPLENISH THE FUEL BUDGET AT THE CONWAY POLICE DEPARTMENT, AND FOR OTHER PURPOSES

Whereas, the Conway Police Department needs approximately \$100,000 to replenish their fuel expense account; and

Whereas, the Conway Police Department needs these funds in order to replenish their accounts due to a shortage in funds for the remaining of the year.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

Section 1. The City of Conway shall appropriate \$100,000 from the General Fund Balance Appropriation Account (001.119.4900) to the Conway Police Department Fuel Expense Account (001.121.5630).

Section 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 13th day of September 2022.

Approved:

Mayor Bart Castleberry

Attest:

**Michael O. Garrett
City Clerk/Treasurer**



**City of Conway, Arkansas
Ordinance No. O-22-__**

**AN ORDINANCE APPROPRIATING REIMBURSEMENT FUNDS FOR THE CONWAY FIRE DEPARTMENT,
AND FOR OTHER PURPOSES**

Whereas, the Conway Fire Department requests \$45,870 for the use of repairing Engine 6 from damages incurred during a wreck; and

Whereas, funds in the amount of \$45,870 were received from the Municipal Insurance Program for such reasons.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY,
ARKANSAS THAT:**

Section 1. The City of Conway shall appropriate \$45,870 from the Insurance Proceeds Account (001.119.4360) to the Fire Department Fire Department Vehicle Maintenance Operating Account (01.131.5450);

Section 2. All ordinances in conflict herewith are repealed to that extent of the conflict.

PASSED this 13th day of September, 2022

Approved:

Mayor Bart Castleberry

Attest:

**Michael O. Garrett
City Clerk/Treasurer**



**City of Conway, Arkansas
Resolution No. R-22-___**

A RESOLUTION TO AMEND RESOLUTION R-18-11 AND RE-ALLOCATE PROCEEDS FROM THE PAY-AS-YOU-GO QUARTER CENT SALES TAX, TO BE EFFECTIVE JANUARY 1, 2022

Whereas, pursuant to a special election held on February 14, 2012, city council committed to utilize the pay-as-you-go quarter cent sales tax to purchase up to twelve police vehicles and/or up to \$500,000 a year, with the remainder dedicated to major street projects; and

Whereas, the Police Department has been able to purchase over 85 vehicles with these funds since that time, and their fleet status is the best it’s been in many years; and

Whereas, the Fire Department is now in need of implementing a program to replace aging fire trucks; and

Whereas, the city council wishes to re-allocate the pay-as-you-go quarter cent sales tax to provide funding for the replacement of fire trucks.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

Section 1. The existing pay-as-you-go quarter cent sales tax shall be allocated annually, beginning with the fiscal year 2023, as follows:

Police vehicles	\$250,000
Fire trucks	\$250,000
Major street projects	Remainder of the annual revenue received

Passed this 13th day of September, 2022.

Approved:

Mayor Bart Castleberry

Attest:

**Michael O. Garrett
City Clerk/Treasurer**



City of Conway, Arkansas
Ordinance No. O-22___

AN ORDINANCE ALLOWING THE CITY OF CONWAY TO ENTER INTO AN AGREEMENT TO PURCHASE ONE RESCUE PUMPER UNIT AND ONE PUMPER UNIT AND TO WAIVE THE BID PROCESS, DELCARING AN EMERGENCY; AND FOR OTHER PURPOSES:

Whereas, the City of Conway requests approval to place an order with EVS/ G & W Diesel for the purchase of a Pumper unit in the amount of \$863,828 and a Pumper/Rescue unit in the amount of \$935,417; and

Whereas, the Conway Fire Department requests approval to order said unit based on the terms and conditions in the five year agreement between the City of Conway and PNC Equipment Finance; and

Whereas, the Conway Fire Department requests Council waives the bid process for the two units; and

Whereas, the Conway Fire Department will be responsible for 5 yearly payments of \$181,774.61 and \$197,231.28. \$250,000 will be funded by pay as you go, the remainder will be funded by the general fund. These amounts will be included in the Fire Department budget for years 2023-2027.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS, THAT:

Section 1. The City of Conway shall waive the bid process and enter into an agreement with EVS/G & W Diesel and PNC Equipment Finance to purchase and finance one Rescue Pumper Unit and one Pumper Unit.

Section 2. That after Council approval of this ordinance the City of Conway Fire Department shall place an order with Pierce Manufacturing.

Section 3. This ordinance is necessary for the protection of the public peace, health and safety, an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

Section 4. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 13th day of September, 2022.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer