
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:00 pm
April 25, 2023

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, Councilwoman Mehl, Councilman Grimes, Councilwoman Tucker, Councilman Ledbetter, Councilman Jones, Councilwoman Webb, and Councilwoman Isby. 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 Garrett, City Clerk

Minutes: April 11, 2023

Councilwoman Isby made a motion to approve the minutes as submitted and Councilwoman Mehl seconded it. The motion carried 8-0.

Monthly Financial Report: Month ending March 31, 2023

Tyler Winningham, Chief Financial Officer addressed the Council saying that sales tax revenues were up about 11% over the same month last year, but because the first two months were flat, it puts the revenues up about 3% for the year so far. He told them that a large sector of businesses in the City had amended their returns and that had caused the revenues to be flat. But he added that the cash and fund balances were still strong. There were no questions for Mr. Winningham. Councilwoman Mehl moved to approve the monthly financials and Councilwoman Isby seconded it. The motion carried 8-0.

Ordinance appropriating funds for additional overtime expenses related to Parks & Recreation events for the Conway Police Department.

O-23-32

Mayor Castleberry asked the Council to suspend the rules to hear the matter of overtime pay for additional police presence at City parks. Councilman Jones moved to suspend the rules and Councilwoman Mehl seconded it. The motion carried 8-0. Mayor Castleberry reminded the Council of an incident at the Don Owen's Sports Complex where multiple shots were fired. He and Chief Tapley met and agreed that police presence was needed during games and athletic events. Chief Tapley told the Council about a schedule of dates and fields and said that the estimation was that it would take between \$100,000-\$150,000 to cover officers for the remainder of this year. He said the amount would vary based on what officers signed up and what their overtime rate is, and how many games are actually played, etc. Councilwoman Isby asked if this covered the McGee and Don Owens Centers and Chief Tapley replied that these figures covered mainly the ball fields. He added that the department would be increasing their presence at the athletic centers but if Director Andrew Thames had events there that he felt needed extra patrol officers they would work that out. There was talk among the Council about the need for citizens to feel safe at our parks and athletic events. Mayor Castleberry told the Council that the Ordinance had not yet been prepared but would be presented to them at a later date if they approved the overtime funding. Councilwoman Isby made a motion to adopt the Ordinance with an emergency clause and Councilwoman Tucker seconded it. The Clerk called the roll with the following voting "Aye": Councilman Jones, Councilman Hawkins, Councilwoman Mehl, Councilwoman Tucker, Councilwoman Webb, Councilwoman Isby, Councilman Ledbetter, and Councilman Grimes. The Ordinance with the emergency clause passed 8-0.

Report of Standing Committees:

- A. **Economic Development Committee (Conway Area Chamber of Commerce, Conway Development Corporation, Conway Downtown Partnership, & Conway Corporation)**

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

- 1. Ordinance allowing Conway Corporation to accept wastewater and set rates from the Preston area outside of the City.**

O-23-33

Councilman Hawkins presented Item A1 to the Council. Brett Carroll addressed the Council stating that Conway Corp required the approval of City Council to provide these services outside of City limits and that they felt that the recommendation was in the best interest of Conway and citizens in the Preston Area. He added that the Conway Corp Board of Directors and the Lake Conway Community Wastewater Utility had unanimously approved the recommendation. Brent McDaniel presented the operational considerations and Tracy Moore, Chief Financial Officer went over the recommended rates. It was stated and reiterated that this would not affect or change any rates for Citizens of Conway within the City limits. Councilman Jones asked if the citizens in the Preston area are on board with the proposal and Mr. Moore stated that their Board had approved it and the plan had been communicated to citizens. He said that grants were received to fund the infrastructure to reach Conway Corp's collection mains. Jason Funkhouser a Board member representative stated that the forthcoming changes have been communicated to residents and there have been no negative comments or concerns from the public. Councilman Ledbetter made a motion to adopt the Ordinance with the emergency clause and Councilman Hawkins seconded it. The Clerk called the roll with the following voting "Aye": Councilman Grimes, Councilman Jones, Councilwoman Mehl, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Webb, Councilwoman Isby, and Councilman Hawkins. The Ordinance with the emergency clause passed 8-0.

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

- 1. Consideration to approve nominations for the Advertising & Promotion Commission.**

Councilman Hawkins presented Item B1 to the Council and made a motion to approve the nominations of Melissa Britton, Dustin Botsford, and Jose Castro to the Advertising & Promotion Commission. Councilwoman Mehl seconded the motion. A vote was called, and the nominations were approved 8-0.

- 2. Consideration to approve a warranty deed transfer for Oak Grove Cemetery for +/- 1.95 acres located at the form Conway Airport**

Councilman Hawkins presented Item B2 to the Council and made a motion to approve the transfer. Councilwoman Mehl seconded it. A vote was called, and the motion carried 8-0.

- 3. Consideration to approve a conditional use permit to allow two duplexes in the C-2 zoning for property located at 1715 Bowie Street.**

Councilman Hawkins presented Item B3 to the Council stating that it was reviewed by the Planning Commission and was voted unanimously to forward to City Council for approval with conditions. Kris Paxton told the Council that duplexes would be a less intense use than a potential commercial building in this location and that there were other duplexes adjacent to the property. He told them that his staff recommended the approval of the conditional use permit with the conditions as provided in the packet. Councilman Hawkins made a motion to approve the conditional use permit and Councilwoman Mehl seconded it. A vote was called, and the motion carried 8-0.

- 4. Ordinance to rezone Bell Valley Ph.5 located on the east side of S. German Lane south of the intersection of Favre Land and South German Lane from R-1 to PUD.**

O-23-34

Councilman Hawkins presented Item B4 to the Council stating that this item was reviewed by the Planning Commission and was voted 9-0 to forward to City Council with a recommendation for approval as presented. Kris Paxton told the Council the application was seeking a PUD to allow for a higher density than allowed by R-1 zoning. He said that the proposed 82 lot development represents a 22% increase in density than the original proposed 67 lot single family development. He added that projected traffic impacts were comparable. He said that a public hearing was held on March 30, 2023 and no members of the public

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

attended and no public comments were received. Frank Shaw was present to answer questions from the Council. Councilwoman Tucker made a motion to adopt the Ordinance and Councilwoman Mehl 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 Webb, and Councilwoman Tucker. The Ordinance passed 8-0.

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

1. Ordinance to approve the agreement for downtown maintenance services for public works.

O-23-35

Mayor Castleberry presented Item C1 to the Council. Spencer Clawson told the Council that this is an agreement with William Canady to water the flower baskets downtown, and funds for downtown maintenance and equipment. Councilwoman Tucker 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 Jones, Councilwoman Webb, Councilman Hawkins Councilman Grimes, Councilwoman Tucker, Councilman Ledbetter and Councilwoman Isby. The Ordinance passed 8-0.

2. Consideration to dispose of inventory (vehicles & equipment) for the Sanitation Department.

Mayor Castleberry presented Item C2 to the Council. Joe Hopper told the Council his department had 8 pieces of equipment that needed to be removed from inventory. Councilwoman Isby made a motion to approve the consideration and Councilwoman Mehl seconded it. The motion for approval carried 8-0.

3. Resolution to approve C&C Manufacturing for purchasing a Landfill Compactor for the Department of Sanitation.

R-23-20

Mayor Castleberry presented Item C3 to the Council. Joe Hopper explained to the Council what the Landfill Compactor was and told them that the machine helped prolong the life of the landfill. He added that it would be replacing a 2011 model and the new machine was in the 2023 budget. Councilwoman Mehl made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called, and the Resolution passed 8-0.

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

1. Resolution to approve asset removal (vehicles) for the Conway Police Department.

R-23-21

Mayor Castleberry presented Item D1 to the Council. Chief Tapley told the Council that the vehicles listed would be removed from inventory and auctioned on public surplus. Councilwoman Isby made a motion to adopt the Resolution and Councilman Jones seconded it. A vote was called, and the Resolution passed 8-0.

2. Ordinance appropriating reimbursement funds for the Conway Police Department.

O-23-36

Mayor Castleberry presented Item D2 to the Council. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded the motion. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Webb, Councilwoman Tucker, Councilman Jones, Councilwoman Isby, and Councilman Hawkins. The Ordinance passed 8-0.

3. Consideration to dispose of inventory (equipment) for the Information Technology Department.

Mayor Castleberry presented Item D3 to the Council. Aaron Knight told the Council the items were computers, monitors, cameras, telephones, etc. Councilwoman Isby made a motion to approve the disposal and Councilwoman Mehl seconded it. A vote was called, and the motion carried 8-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

4. Resolution to approve asset removal (vehicles) for the Information Technology Department.

R-23-22

Mayor Castleberry presented Item D4 to the Council. Councilwoman Isby made a motion to adopt the Resolution and Councilman Jones seconded it. A vote was called, and the Resolution passed 8-0.

5. Ordinance approving an amendment to the employee handbook for the Conway IT Department.

O-23-37

Mayor Castleberry presented Item D5 to the Council. Aaron Knight told the Council that there are three sections of the Handbook that deal with technology that are out of date and have been updated including amendments aligning with Act 504 that was passed in the 94th General Assembly that requires a use of technology resources policy. There was some discussion regarding email retention policies and Councilman Grimes stated that he would like to see such a policy implemented. Charles Finkenbinder recommended that the City continue to follow State record retention laws, which don't require email retention. Several Councilmembers stated that they felt that retention was good for transparency. Mr. Knight said that he would look into policies from other municipalities. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Tucker, Councilman Grimes, Councilwoman Webb, Councilwoman Isby, Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, and Councilman Hawkins. The Ordinance passed 8-0.

E. Finance

1. Consideration to approve salary changes within the Department of Sanitation and the Conway Transportation Departments.

Mayor Castleberry presented Item E1. Councilman Grimes reminded the Council of the discussion of CDL driver salaries that was held last year. He said that the requirements for CDL drivers are specific, and they are in high demand. He pointed out that the Transportation Department utilizes CDL drivers as well as the Sanitation Department. He called their attention to a slide showing the creation of new positions, Equipment Operator 4 and 5, which gives both departments the ability to have a higher paying position to move qualified individuals into and also hired people into. He said that this would enable more qualified drivers to be put in place, saving money in the long run. Councilwoman Isby made a motion to approve the consideration and Councilwoman Mehl seconded it. The motion to approve carried 8-0.

Adjournment-----

PASSED this 25th day of April 2023

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett