
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:00 pm
June 28, 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 Jones, Councilman Ledbetter, Councilwoman Tucker, Councilman Grimes, Councilwoman Smith, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Attorney Charles Finkenbinder, City Clerk Michael Garrett. Mayor Castleberry and Councilwoman Mehl were not present.

Call to Order: Councilman Hawkins

Roll Call: Michael O. Garrett, City Clerk

Minutes: May 24th, 2022

Councilwoman Smith motioned to approve the **May 24, 2022** meeting minutes as submitted. Councilwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

Monthly Financial Report Ending May 31st, 2022

Tyler Wunningham reported to the Council calling their attention to the ad valorem tax revenue stating that this is the first large tax receipts from the County based on their collections of property tax. He added that the amount was just over 8% above last year. He said that sales tax was up 7% and year-to-date it was over 17%. He added that the bottom line is still strong and in good shape. He called their attention to expenditures and pointed out that department heads are doing a good job keeping under budget on expenditures, but with prices going up and inflation being a factor, he said that could change as the year progresses. He added that the Mayor has charged department heads to be aware of their spending in light of the present economic situation. Councilwoman Smith made a motion to approve the monthly financial and Councilwoman Isby seconded it. The motion carried 7-0.

Councilman Grimes made a motion to suspend the rules to bring Item B9 to the top of the agenda. Councilwoman Smith seconded the motion. The 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 Land from R-1 to C-2.

Mr. Thornton, applicant, addressed the Council and asked that this item be tabled until the next City Council meeting on July 26, when all parties could be present to discuss the matter. Councilwoman Smith made a motion to table the item and Councilwoman Isby seconded it. A vote was called, and the motion passed 7-0.

Report of Standing Committees:

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

1. Ordinance to extend the franchise agreement of Conway Corporation to operate the cable telecommunication plant and facility for the City of Conway.

O-22-56

Councilman Hawkins presented Item A1 to the Council. Brett Carroll, CEO of Conway Corporation addressed the Council explaining that their desire is to make the telecommunication franchise agreement co-terminus with the electric franchise agreement which goes until 2050. He added that the terms of the franchise would not change, just the length of the agreement. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 7-0. 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 Ledbetter, Councilwoman Tucker, Councilman Hawkins, Councilwoman Isby, Councilman Grimes, Councilwoman Smith, and Councilman Jones. The Ordinance passed 7-0.

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2. Ordinance extending the lease agreement and increasing the monthly lease of Conway Corporation to operate the cable telecommunication plant and facility for the City of Conway.

O-22-57

Councilman Hawkins presented Item A1 to the Council. Brett Carroll, CEO of Conway Corporation addressed the Council stating that cable subscriptions have dropped steadily and while those numbers can't be changed, the amount of the lease payment for cable telecommunications would be increased from \$10,000/mo. to \$16,000/mo. to help cover the loss of revenue to the City. 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, Councilman Grimes, Councilwoman Tucker, Councilman Jones, Councilwoman Isby, Councilwoman Smith, and Councilman Hawkins. The Ordinance passed 7-0.

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

1. Ordinance to approve the private club permit location for The Rogue Roundabout Inc. to be located at 804 Chestnut Street.

O-22-58

Councilman Hawkins presented Item B1 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 Isby, Councilman Jones, Councilwoman Smith, Councilwoman Tucker, Councilman Hawkins, and Councilman Ledbetter. Councilman Grimes abstained from the vote. The Ordinance passed 6-0-1.

2. Ordinance to approve personnel changes within the Permits & Inspections Department.

O-22-59

Councilman Hawkins presented Item B2 to the Council. Cecil Corning, Director of Permits & Inspections addressed the Council explaining that he would like to add an Assistant Director position within the department. He said the primary objective is ADEQ. Councilwoman Smith asked if they would be hiring a new person for the job and Mr. Corning said they would be hiring from the current Inspectors, as all are qualified and licensed in all areas, but that a final decision had not been made. 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 Smith, Councilman Ledbetter, Councilman Hawkins, Councilwoman Isby, Councilwoman Tucker, Councilman Jones, and Councilman Grimes. The Ordinance passed 7-0.

3. Ordinance appropriating funds and accept the low bid for the Markham Street Jump Start Phase II project for the Transportation Department.

O-22-60

Councilman Hawkins presented Item B3 to the Council. Kurt Jones told the Council that the low bid for the project came in below the Engineer's estimate. He added that it is a Metroplan Grant project, so the City is responsible for 20% of the cost of the project with Metroplan funding the other 80%. 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 Ledbetter, Councilman Jones, Councilman Grimes, Councilwoman Tucker, Councilwoman Smith, and Councilwoman Isby. The Ordinance passed 7-0.

4. Resolution to approve the Public Art Master Plan as an amendment to the comprehensive plan for the City of Conway.

R-22-29

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Councilman Hawkins presented Item B4 to the Council. James Walden addressed the Council stating that the Public Art Master Plan was adopted by the Planning Commission at their meeting on the 21st and now is to be officially adopted as an appendix, by 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.

5. Ordinance to annex +- 55.91 acres located north of Empy Trail, west of Orchard Park Subdivision and south of Cresthaven Subdivision, Phase IV.

O-22-61

Councilman Hawkins presented Item B5 to the Council. James Walden told the Council the annexation was unanimously adopted by the Planning Commission. 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 Ledbetter, Councilman Grimes, Councilwoman Isby, Councilwoman Tucker, Councilman Hawkins, Councilman Jones, and Councilwoman Smith. The Ordinance passed 7-0.

6. Consideration to approve a conditional use permit to allow an Automobile Body Shop in the I-3 zoning district for property located at 1215 Thomas G Wilson Drive (CUP-0522-0256)

Councilman Hawkins presented Item B6 to the Council. James Walden told the Council that it was discovered that this business did not have a conditional use permit, so this action is to bring the business that has been operating in the location into compliance. He added that there was no opposition by the Planning Commission. Councilwoman Smith made a motion to approve this conditional use permit and Councilwoman Isby seconded it. A vote was called, and the conditional use permit was approved 7-0.

7. Consideration to approve a conditional use permit to allow Religious Activities in the R-2A zoning district for property located at 1919 South Boulevard (CUP-0522-0266)

Councilman Hawkins presented Item B7 to the Council. James Walden told the Council that this is for the Catholic Campus Ministries. He added that the project has been approved by the Planning Commission as well as the Historic District Commission. Councilwoman Smith made a motion to approve the conditional use permit and Councilwoman Isby seconded it. A vote was called, and the conditional use permit was approved 7-0.

8. Ordinance establishing a moratorium on the issuance of sign permits for billboards and certain types of freestanding signs.

O-22-62

Councilman Hawkins presented Item B8 to the Council. James Walden told the Council that this was a moratorium for 90 days on billboard and free-standing signs in excess of 12' tall and outside interstate sign zone. This period would allow the Planning department to review and re-evaluate current regulations. 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 with the emergency clause and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilman Ledbetter, Councilman Jones, Councilwoman Smith, Councilman Grimes, Councilwoman Tucker, and Councilman Hawkins. The Ordinance passed 7-0.

9. This item was moved to the top of the agenda.

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

1. Ordinance appropriating insurance funds received for the Parks & Recreation Department.

O-22-63

Councilman Hawkins presented Item C1 to the Council. Steve Ibbotson asked the Council for approval to appropriate these funds covering some damage at Pompe Park. He added that the funds

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had been received and the work was scheduled to commence. 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, Councilwoman Smith, Councilman Grimes, Councilwoman Tucker, Councilwoman Isby, Councilman Ledbetter and Councilman Jones. The Ordinance passed 7-0.

D. 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 reimbursement funds from various entities for the Conway Police Department.

O-22-64

Councilman Hawkins presented Item D1 to the Council. Chief Tapley told the Council that the department had received various reimbursements and some insurance proceeds and asked that these funds be approved and returned to the appropriate accounts. 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 Jones, Councilman Hawkins, Councilwoman Tucker, Councilwoman Smith, Councilwoman Isby, Councilman Ledbetter, and Councilman Grimes. The Ordinance passed 7-0.

2. Ordinance appropriating funds for the purchase of a vehicle for the Conway Police Department.

O-22-65

Councilman Hawkins presented Item D2 to the Council. Chief Tapley told the Council that in July 2021 the department received insurance funds for a vehicle loss in the amount of \$7,000 and this year vehicles have been sold for approximately \$11,000. He asked that these funds be appropriated to purchase additional vehicles for the department. 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 Grimes, Councilman Jones, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Smith, Councilwoman Isby and Councilman Hawkins. The Ordinance passed 7-0.

3. Resolution accepting funding from the State of Arkansas for the police officer stipend program for the Conway Police Department.

R-22-30

Councilman Hawkins presented Item D3 to the Council. Chief Tapley told the Council that in order for the department to submit application for the stipends they must have an ordinance in place. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called, and the Resolution passed 7-0.

4. Resolution expressing the willingness of the Conway Police Department to utilize 2020 JAG funds.

R-22-31

Councilman Hawkins presented Item D4 to the Council. Chief Tapley told the Council this grant is shared with the Faulkner County Sheriff's office and is used to buy equipment. He added that this year the grant is held by the County. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called, and the Resolution passed 7-0.

5. Ordinance to appropriate funding received from the 2020 JAG grant for the Conway Police Department.

O-22-66

Councilman Hawkins presented Item D5 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 7-0. Councilwoman

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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 Ledbetter, Councilman Jones, Councilwoman Isby, Councilwoman Smith and Councilwoman Tucker. The Ordinance passed 7-0.

6. Ordinance to approve personnel changes within the Conway Police Department.

O-22-67

Councilman Hawkins presented Item D6 to the Council. Chief Tapley told the Council they were seeking to add four patrol officer positions within the department, two of which are associated with the mental health and wellness grant which will be reimbursed to the City 80% in year one and two and 60% in year three. The other two will be slated for school resource officers. 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 with the emergency clause and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Jones, Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilwoman Tucker, Councilman Ledbetter, and Councilwoman Isby. The Ordinance with the emergency clause passed 7-0.

7. Ordinance authorizing a reclassification of positions and salary changes for Fleet Maintenance within the Conway Police Department.

O-22-68

Councilman Hawkins presented Item D7 to the Council. Chief Tapley reminded the Council that they had authorized him to use funds from the Asset Forfeiture account to start an in-house light duty shop. He told them a mechanics pay scale had been created that mimics what the fire department uses with just a few changes. 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, Councilman Grimes, Councilwoman Smith, Councilwoman Tucker, Councilman Jones, Councilwoman Isby, and Councilman Hawkins. The Ordinance with the emergency clause passed 7-0.

8. Consideration to approve entering into an agreement with Conway Public Schools for School Resource Officers for the 2022-2023 school year.

Councilman Hawkins presented Item D8 to the Council. Councilwoman Smith made a motion to approve the agreement and Councilwoman Isby seconded it. The motion carried 7-0.

9. Resolution authorizing entering into an agreement with Counseling Associates to implement the Connect and Protect Grant for the Conway Police Department.

R-22-32

Councilman Hawkins presented Item D9 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.

E. Finance

1. Ordinance appropriating funds for employee pay adjustments for various departments in the City of Conway.

O-22-69

Councilman Hawkins presented Item E1 to the Council. Councilman Grimes explained that City salaries were compared to the Municipal League's salary survey, and certain job titles were identified as being in the bottom 20% of the salary survey and were selected to receive a mid-year pay increase to move the salaries higher up the scale. He also noted that there were 43 positions in the City that will be raised to \$15 per hour. He added that this will add \$81,000 annually to the General Fund, and the adjusted positions will add \$116,000 for a total of \$208,000 annually to the General Fund, beginning July 1, 2022. Councilwoman Smith made a motion to waive the three readings and

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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 Tucker, Councilman Grimes, Councilwoman Smith, Councilwoman Isby, Councilman Ledbetter, Councilman Jones, and Councilman Hawkins. The Ordinance passed 7-0.

F. New Business

1. Ordinance appropriating funds for a settlement offer in the Kaala Jones vs. City of Conway case.

O-22-70

Councilman Hawkins presented Item F1 to the Council. City Attorney Charles Finkenbinder gave the Council a report from the Court Settlement Conference. He said that the Municipal League recommended a settlement, 90% paid by the Municipal League and 10% paid by the City. He added that the settlement amount to be approved by City Council is \$110,000. 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. There was no further discussion. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Isby, Councilman Jones, and Councilwoman Smith. The Ordinance passed 7-0.

Adjournment-----

PASSED this 28th day of June 2022

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett