



City of Conway, Arkansas
CITY COUNCIL
Agenda • March 28, 2023

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 – Cindy Webb
Ward 4 Position 1 – Theodore Jones Jr.
Ward 4 Position 2 – Shelia Isby

5:30pm:	Pafford Ambulance Service Update
6:00pm:	City Council Meeting • City Council Chambers • 1111 Main Street
<u>Call to Order:</u>	Bart Castleberry, Mayor
<u>Roll Call:</u>	Michael O. Garrett, Clerk/Treasurer
<u>Minutes Approval:</u>	March 14, 2023
<u>Monthly Financial Report:</u>	Month ending February 28 th , 2023

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

1. Resolution requesting the Faulkner County Tax Collector to place a lien on 920 Garland St. for expenses incurred by the City.
2. Resolution to approve the Oak Street Corridor Plan as an amendment to the Comprehensive Plan.
3. Consideration to approve a conditional use permit to allow an extermination service in an O-1 zone for property located at 783 Diane Lane.
4. Ordinance to rezone property located at 4106 Prince Street, from R-1 to C-3.
5. Consideration to appeal the interpretation of the subdivision Code requiring sidewalks for property located at 2805-2830 Harbelle Dr.

B. 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 and waiving the competitive bid process for emergency building repairs for District Court.
2. Ordinance appropriating insurance proceeds funds for the Conway Fire Department.
3. Ordinance appropriating donation funds for the Conway Fire Department.
4. Ordinance appropriating funds and waiving the competitive bid process for a grant received from the Arkansas Department of Emergency Management for the Conway Fire Department.

Adjournment



City of Conway, Arkansas
Monthly Financial Reports
February 28, 2023

City of Conway
 Monthly Financial Report - General Fund
 For the month ended February 28, 2023



Revenues	Budget	Month	Year to Date	Encumbered	(Over)/Under	%
		Activity			Budget	Expend/Collect
Ad Valorem Tax	4,200,000	73,066	254,958		3,945,042	6%
Payments in Lieu of Tax	20,000	3,174	36,225		(16,225)	181%
State Tax Turnback	950,000	61,814	187,583		762,417	20%
Insurance Tax Turnback - LOPFI	1,300,000	-	-		1,300,000	0%
Sales Tax	28,200,000	2,758,509	5,001,922		23,198,078	18%
Beverage Tax	600,000	-	-		600,000	0%
Franchise Fees	3,829,200	373,612	441,391		3,387,809	12%
Office Space Leases	67,400	-	5,617		61,783	8%
Permits	560,500	39,775	71,899		488,601	13%
Public Safety	2,166,045	174,771	245,937		1,920,108	11%
Parks	630,000	96,817	161,219		468,781	26%
Insurance Proceeds	216,354	47,570	56,567		159,787	26%
Federal Grant Revenues	221,900	-	-		221,900	0%
State Grant Revenues	100,000	100,000	100,000		-	100%
Interest Income	123,000	978	100,310		22,690	82%
Proceeds from Sale of Assets	-	-	37		(37)	-
Miscellaneous Revenues	120,750	19,249	40,239		80,511	33%
Transfers from Other Funds	820,000	-	-		820,000	0%
Total Revenues	44,125,150	3,749,335	6,703,904		37,421,245	15%
Expenditures						
Admin (Mayor, HR)	1,106,641	77,500	110,402	31,912	964,327	10%
Finance	509,830	26,493	39,179	-	470,651	8%
City Clerk/Treasurer	170,444	13,230	19,569	-	150,875	11%
City Council	99,297	6,113	6,113	-	93,184	6%
Planning	712,567	35,036	52,111	2,045	658,412	7%
Physical Plant	936,928	60,983	93,144	2,846	840,938	10%
Information Technology	1,836,982	98,496	270,215	4,137	1,562,630	15%
Permits and Inspections	574,676	36,206	54,128	90	520,458	9%
Nondepartmental	1,786,992	24,241	393,990	2,700	1,390,302	22%
Police	16,413,307	1,138,882	1,815,030	224,865	14,373,413	11%
CEOC	1,721,095	97,951	141,988	16,603	1,562,504	8%
Animal Welfare	651,043	37,427	56,491	77,803	516,748	9%
Municipal District Court	968,483	80,188	154,428	2,782	811,272	16%
City Attorney	650,696	41,658	66,173	233	584,290	10%
Fire	15,740,004	903,723	1,397,931	90,011	14,252,063	9%
Parks	3,791,949	294,958	430,687	39,519	3,321,743	11%
Total Expenditures	47,670,934	2,973,084	5,101,578	495,547	42,073,809	11%
Net Revenue/(Expense)	(3,545,784)		1,602,327			

*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway
General Fund
2023



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-23-16	2/14/23	Contribution to Non-uniform pension plan	570,000

City of Conway
 Balance Sheet - General Fund
 As of February 28, 2023



Cash - Operating	18,280,805
Cash - Reserve	1,768,643
Petty Cash	715
Taxes Receivable	4,993,556
Accounts Receivable	4,942,746
Due from Other Funds	5,532
Due from Street	108,698
Due from Component Unit	219,099
Due from Municipal Court	62,383
Fuel Inventory	(7,612)
General Inventory	585
<i>Assets</i>	<u>30,375,154</u>
Accounts Payable	297,741
Insurance and Benefits Payable	(45,698)
Event Deposits	4,550
Held for Others - Crimestopper Reward	5,000
Held for Others - Performance Bonds	5,195
Deferred Revenue	4,387,825
Unearned Revenue - City Hall Lease	960,000
<i>Liabilities</i>	<u>5,614,614</u>
<i>Fund Balance</i>	<u>24,760,540</u>
<i>Total Liabilities & Fund Balance</i>	<u>30,375,154</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Street Fund
 For the month ended February 28, 2023



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Ad Valorem Tax	1,500,000	26,397	93,446		1,406,554	6%
Payments in Lieu of Tax	6,000	-	-		6,000	0%
State Tax Turnback	3,000,000	253,082	486,474		2,513,526	16%
State Tax Turnback - Other	1,800,000	167,742	332,252		1,467,748	18%
Severance Tax	279,000	22,311	53,843		225,157	19%
State Tax Turnback - Wholesale	400,000	33,309	67,512		332,488	17%
Sales Tax	400,000	38,652	70,086		329,914	18%
Sign Permits	-	-	480		(480)	-
Engineering Fees	15,000	400	1,825		13,175	12%
Interest Income	100,000	-	17,841		82,159	18%
Proceeds from Sale of Assets	-	-	24,600		(24,600)	-
Miscellaneous Revenues	-	9	303		(303)	-
Total Revenues	7,500,000	541,902	1,148,662	-	6,351,339	15%
Expenditures						
Personnel Costs	3,358,630	195,988	306,392	-	3,052,238	9%
Other Operating Costs	<u>4,240,370</u>	<u>280,334</u>	<u>293,637</u>	<u>45,508</u>	<u>3,901,225</u>	<u>7%</u>
Total Operating Costs	7,599,000	476,321	600,030	45,508	6,953,462	8%
Capital Outlay	<u>902,022</u>	<u>-</u>	<u>11,430</u>	<u>430,591</u>	<u>460,000</u>	<u>1%</u>
Total Expenditures	8,501,022	476,321	611,460	476,099	7,413,462	7%
Net Revenue/(Expense)	(1,001,022)		<u>537,201</u>			

*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.

City of Conway
Street Fund
2023



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-23-16	2/14/23	Contribution to Non-uniform pension plan	110,000

City of Conway
Balance Sheet - Street Fund
As of February 28, 2023



Cash - Operating	4,191,615
Taxes Receivable	69,969
Accounts Receivable	2,206,354
<i>Assets</i>	<u>6,467,938</u>
Accounts Payable	31,546
Insurance and Benefits Payable	(2,305)
Due to General	108,698
Deferred Revenue	1,614,736
<i>Liabilities</i>	<u>1,752,674</u>
<i>Fund Balance</i>	4,715,263
<i>Total Liabilities & Fund Balance</i>	<u>6,467,938</u>

*All figures are unaudited

City of Conway
 Monthly Financial Report - Sanitation
 For the month ended February 28, 2023



	<u>Budget</u>	<u>Month Activity</u>	<u>Year to Date</u>	<u>Encumbered</u>	<u>(Over)/Under Budget</u>	<u>% Expend/Collect</u>
Revenues						
Sanitation Fee Rev-Residential	9,800,000	-	865,092		8,934,908	9%
Proceeds - Recycled Materials	350,000	23,328	56,395		293,605	16%
Landfill Fees - General	250,000	17,482	36,169		213,831	14%
Interest Income	200,000	-	89,547		110,453	45%
Proceeds from Sale of Assets	-	-	2,225		(2,225)	-
Total Revenues	10,600,000	40,810	1,049,429	-	9,550,571	10%
Expenditures						
Personnel Costs	5,898,153	392,106	660,945	360	5,236,848	11%
Other Operating Costs	<u>3,703,439</u>	<u>137,903</u>	<u>180,020</u>	<u>208,156</u>	<u>3,315,262</u>	<u>5%</u>
Total Operating Costs	9,601,592	530,009	840,965	208,516	8,552,111	9%
Capital Outlay	<u>2,765,316</u>	<u>432,285</u>	<u>432,285</u>	<u>1,074,469</u>	<u>1,258,563</u>	<u>16%</u>
Total Expenditures	12,366,908	962,294	1,273,250	1,282,984	9,810,674	10%
Net Revenue/(Expense)	(1,766,908)		<u>(223,821)</u>			

*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway
Sanitation Fund
2023



Fund Balance Appropriations

<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-23-16	2/14/23	Contribution to Non-uniform pension plan	310,000

City of Conway
 Balance Sheet - Sanitation
 As of February 28, 2023



Cash - Operating	14,513,618
Petty Cash	200
Post Closure Cash Account	6,320,357
Accounts Receivable	14,011
Due from Component Unit	903,057
General Inventory	2,122
Land & Buildings	2,406,050
Infrastructure	780,803
Machinery, Equipment & Vehicles	2,548,099
Deferred Outflows of Resources	1,333,878
Deferred Outflows of Resources-OPEB	263,454
<i>Assets</i>	<u>29,085,649</u>
Accounts Payable	72,282
Insurance and Benefits Payable	10,289
Compensated Absences	229,958
Net Pension Obligation	12,456,380
Deferred Inflows of Resources	1,982,402
Deferred Inflows of Resources-OPEB	114,568
Net OPEB Liability	1,069,934
Due to Other Funds	4,104
Landfill Close/Post Close	8,362,165
<i>Liabilities</i>	<u>24,302,082</u>
<i>Net Position</i>	<u>4,783,566</u>
<i>Total Liabilities and Net Position</i>	<u>29,085,649</u>

*All figures are unaudited

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway
 Monthly Financial Report - Airport
 For the month ended February 28, 2023



	<u>Budget</u>	<u>Month</u> <u>Activity</u>	<u>Year to</u> <u>Date</u>	<u>Encumbered</u>	<u>(Over)/Under</u> <u>Budget</u>	<u>%</u> <u>Expend/Collect</u>
Revenues						
Sales Tax	25,000	1,787	6,101		18,899	24%
Airport Fuel Sales	1,638,224	164,848	298,638		1,339,586	18%
T-Hangar Rent	183,780	15,522	104,611		79,169	57%
Community Hangar Rent	48,000	3,000	7,000		41,000	15%
Ground Leases	20,257	-	-		20,257	0%
Misc Revenue - Non air	9,700	8,000	9,500		200	98%
Miscellaneous Revenues	20,090	858	2,909		17,181	14%
Total Revenues	1,945,051	194,015	428,758	-	1,516,293	22%
Expenditures						
Personnel Costs	373,789	23,118	36,922	-	336,867	10%
Fuel for Resale	1,100,000	130,514	236,801	-	863,199	22%
Other Operating Costs	191,300	22,296	22,310	7,740	161,250	12%
Total Operating Costs	1,665,089	175,928	296,033	7,740	1,361,316	18%
Capital Outlay	110,400	-	24,918	-	85,482	23%
Total Expenditures	1,775,489	175,928	320,951	7,740	1,446,798	18%
Net Revenue/(Expense)	169,562		<u><u>107,807</u></u>			

*All figures are unaudited

Notes:

- 1) Budget column is current budget which includes all year-to-date adjustments, if any.
- 2) Capital outlay is shown here for budgeting purposes, but only depreciation expense will be recorded at year end.

City of Conway

Airport Fund

2023

Fund Balance Appropriations



<u>Ordinance</u>	<u>Date</u>	<u>Description</u>	<u>Amount</u>
O-23-16	2/14/23	Contribution to Non-uniform pension plan	10,000

City of Conway
 Balance Sheet - Airport
 As of February 28, 2023



Cash - Operating	331,367
Taxes Receivable	4,043
Accounts Receivable - Fuel Vendor	12,643
Fuel Inventory	109,391
Land	1,254,473
Buildings	3,430,723
Machinery & Equipment	234,086
Infrastructure	22,959,891
Deferred Outflows of Resources-OPEB	10,784
<i>Assets</i>	<u>28,347,401</u>
Accounts Payable	7,618
Compensated Absences	17,855
Net OPEB Liability	43,795
Deferred Inflows of Resources-OPEB	4,690
Due to General	1,429
Note Payable	600,000
<i>Liabilities</i>	<u>675,386</u>
<i>Net Position</i>	<u>27,672,014</u>
<i>Total Liabilities & Net Position</i>	<u>28,347,401</u>

*All figures are unaudited

Note: Capital assets shown at book value (cost less accumulated depreciation).

City of Conway
Monthly Financial Report - Major Project Funds
As of February 28, 2023



Parks and Rec A&P Tax

Balance, 1/31/23	4,030,324
Receipts	450,319
Payments	(346,924)
Balance, 2/28/23	\$ 4,133,719

Pay as you go Sales Tax

Balance, 1/31/23	9,249,994
Receipts	919,287
Payments	(171,020)
Balance, 2/28/23	\$ 9,998,261

Street Impact Fees

Balance, 1/31/23	2,267,984
Receipts	32,714
Payments	(4,531)
Balance, 2/28/23	\$ 2,296,167

Parks Impact Fees

Balance, 1/31/23	537,162
Receipts	12,671
Payments	-
Balance, 2/28/23	\$ 549,833

Street Sales Tax

Balance, 1/31/23	20,122,888
Receipts	842,941
Payments	(32,326)
Balance, 2/28/23	\$ 20,933,502



City of Conway, Arkansas
Resolution No. R-23-___

A RESOLUTION REQUESTING THE FAULKNER COUNTY TAX COLLECTOR PLACE A CERTIFIED LIEN AGAINST REAL PROPERTY AS A RESULT OF INCURRED EXPENSES BY THE CITY OF CONWAY, AND FOR OTHER PURPOSES.

Whereas, in accordance with Ark. Code Ann. § 14-54-901, the City of Conway has corrected conditions existing on 920 Garland St., within the City of Conway and is entitled to compensation pursuant to Ark. Code § 14-54-904: and

Whereas, State law also provides for a lien against the subject property, with the amount of lien to be determined by the City Council at a hearing held after the notice to the owner thereof by certified mail with said amount \$162.03 (10% + filing fee \$15.00) to be thereafter certified to the Faulkner County Tax Collector; and

Whereas, a hearing for the purpose of determine such lien has been set for **March 28th, 2023** in order to allow for service of the attached notice of same upon the listed property owners, by certified or publication as is necessary.

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

Section 1: That after said public hearing the amount listed above is hereby certified and is to be forward to the Faulkner County Tax Collector and Assessor by the City of Conway.

Section 2: That this Resolution shall be in full force and effect from and after its passage and approval.

ADOPTED this 28th day of March 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



MEMO

TO: Mayor Bart Castleberry
CC: City Council Members
FROM: Lily Couch
DATE: March 20th, 2023
SUBJECT: Certified Liens – Code Enforcement

The following resolutions are included for a request to the Faulkner County Tax collector to place a certified lien against real property as a result of incurred expenses by the City.

The properties & amount (plus a ten percent collection penalty) are as follows:

1. 920 Garland St \$162.03

Please advise if you have any questions.

Thank you for your consideration.

City of Conway
Code Enforcement &
Public Works
1111 Main St.
Conway, Arkansas 72032
www.conwayarkansas.gov



Phone 501-450-6191
Fax 501-450-6144

Jeremiah W. Brown
920 Garland St
Conway AR 72032

Parcel # 710-03783-000

RE: Nuisance Abatement at 920 Garland St., Conway AR
Cost of Clean-Up, Amount Due: \$133.66

To whom it may concern:

Because you failed or refused to remove, abate, or eliminate certain conditions on the aforementioned real property in the City of Conway, after having been given seven (7) days notice in writing to do so, the City of Conway was forced to undertake the cleanup of this property to bring it within compliance of the Conway Municipal Code.

The City of Conway is requesting payment for all costs expended in correcting said condition. If after thirty (30) days from the receipt of this letter notifying you of the cost to correct said condition, such payment has not been remitted to the City, the City has the authority to file a lien against real estate property for the cost expended after City Council approval.

At its **March 28th, 2023 Meeting**, 6:30 p.m. located at 1111 Main Street, the City Council will conduct a public hearing on three items:

1. Consideration of the cost of the clean-up of your real property.
2. Consideration of placing a lien on your real property for this amount.
3. Consideration of certifying this amount determined at the hearing, plus a ten percent (10%) penalty for collection & filing fees, to the Tax Collector of Faulkner County to be placed on the tax books as delinquent taxes and collected accordingly.

None of these actions will be necessary if full payment is received before the meeting date. Please make check payable to the **City of Conway** and mail to **1111 Main Street Conway Arkansas 72032** with the **attention to Lily Couch**. If you have any questions, please feel free to call me at 501-450-6191.

Respectfully,

City of Conway
Code Enforcement



CODE CASE HISTORY REPORT RESPROP-0123-0044 FOR CITY OF CONWAY

Changed On	User	Description	Before	After	Additional Info
01/18/2023	Michael Davis	Code Case added			Code Case (RESPROP-0123-0044)
01/18/2023	Michael Davis	Due Date	[none]	1/18/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Violations)
	Michael Davis	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
	Michael Davis	Code Case Workflow Step Action added			Code Case Workflow Step Action (3.5.3 Appliance/Furniture)
01/25/2023	Michael Davis	Due Date	[none]	1/18/2023	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Code Case Workflow Step Start Date	[none]	1/25/2023	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Step Workflow Status	Not Started	Started	Code Case Workflow Step (Notice of Violation)
	Michael Davis	Inspection added			Inspection ([Auto])
	Michael Davis	Action Workflow Status	Not Started	Failed	Code Case Workflow Step Action (Property Maintenance Follow-up Investigation)
	Michael Davis	Violation Compliance Date	1/25/2023	2/1/2023	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Michael Davis	Violation Compliance Date	1/25/2023	2/1/2023	Violation (3.5.3 Appliance/Furniture)
02/16/2023	Michael Davis	Code Case Status	Open	Schedule City Clean up	Code Case (RESPROP-0123-0044)
02/17/2023	Michael Davis	Date Closed	[none]	2/17/2023	Code Case (RESPROP-0123-0044)
	Michael Davis	Code Case Status	Schedule City Clean up	Closed - Resolved	Code Case (RESPROP-0123-0044)
	Michael Davis	Complete	No	Yes	Code Case (RESPROP-0123-0044)
02/17/2023	Michael Davis	Inspection Actual Arrival Date	1/25/2023	[none]	Inspection (ICODE-0371-2023)
	Michael Davis	Inspection Status	In Violation	City Cleanup Performed	Inspection (ICODE-0371-2023)
	Michael Davis	Action Workflow Status	Failed	Started	Code Case Workflow Step Action (Property Maintenance Follow-up Investigation)
	Michael Davis	Due Date	1/18/2023	1/25/2023	Code Case Workflow Step (Violations)
	Michael Davis	Step Workflow Status	Started	Passed	Code Case Workflow Step (Violations)
	Michael Davis	Violation Resolved Date	[none]	2/17/2023	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Michael Davis	Violation Status	In Violation	Resolved	Violation (3.5.1 Accumulation of Rubbish or Garbage)
	Michael Davis	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.5.1 Accumulation of Rubbish or Garbage)
	Michael Davis	Violation Resolved Date	[none]	2/17/2023	Violation (3.5.3 Appliance/Furniture)
	Michael Davis	Violation Status	In Violation	Resolved	Violation (3.5.3 Appliance/Furniture)
	Michael Davis	Action Workflow Status	Started	Passed	Code Case Workflow Step Action (3.5.3 Appliance/Furniture)



**City of Conway, Arkansas
Resolution No. R-23-____**

A RESOLUTION ADOPTING THE OAK STREET CORRIDOR PLAN, AS AN AMENDMENT TO THE COMPREHENSIVE PLAN FOR THE CITY OF CONWAY, ARKANSAS; AND FOR OTHER PURPOSES

WHEREAS, on September 28, 2021, City Council passed Resolution R-21-78 authorizing professional engineering services with Garver Engineers, Inc. for the Oak Street Corridor Study and for other purposes; and

WHEREAS, the Oak Street Ahead Master Plan Document, Illustrative Plan, Transportation Framework and Regulating Plan were developed with extensive input from citizens, the Planning Commission, City Council members, staff, and numerous other stakeholders; and

WHEREAS, the City of Conway formed a steering committee in February 2022 including members of the Chamber of Commerce, local owners and representatives, developers, University of Central Arkansas (UCA) administration, Conway Corporation, Planning Commissioners, and City Council members to provide direction, course correction, and review of study deliverables; and

WHEREAS, the Planning Commission on March 13, 2023 voted unanimously to forward the plan to City Council with a recommendation of approval.

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

Section 1. That the City Council of the City of Conway, Arkansas, hereby approves and recommends implementation as recommended within the Oak Street Ahead Regulating Plan.

Section 2. The Oak Street Ahead Plan is hereby adopted and shall be enforced through the Conway Comprehensive Plan and other regulations of the City of Conway, Arkansas.

PASSED this 28th day of March 2023.

Approved :

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



CITY OF CONWAY | 1111 Main Street
Planning and Development | Conway, AR 72032
T 501.450.6105
F 501.450.6144
www.conwayarkansas.gov

March 16, 2023

MEMO - RE: OAK STREET AHEAD

To: Mayor, Council Members

On March 13th, the Oak Street Ahead project was brought by staff to the Planning Commission with a recommendation to forward to the City Council. The Planning Commission forwarded the plan to City Council with a unanimous recommendation of approval, to be heard at the March 28th meeting. The Oak Street Ahead plan has been extensively vetted by Planning Commission, Council Members, staff, and numerous stakeholders. This includes the steering committee which was formed in February of 2022 including the Chamber, local owners and representatives, developers, the University of Central Arkansas administration, Conway Corporation, Planning Commissioners, and City Council Members.

Approval of this resolution will allow the Planning & Development Division to take appropriate considerations as a part of the Comprehensive Plan for new development within this corridor. In addition, this resolution will provide the administration with guidance for implementation of the plan. Immediate considerations that will occur from the approval of this resolution are necessary updates to the Master Street & Trail Plan.

Please contact me at kris.paxton@conwayarkansas.gov if you have any questions or concerns.

Respectfully,

Kris Paxton, MGIS, CARPO, CFM
Director of Planning and Development



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 (501) 450-6105 • planningcommission@conwayarkansas.gov

MEMO

To: Mayor Bart Castleberry
 cc: City Council Members

From: Rebekah Fincher, 2023 Planning Commission Chairman
 Date: March 28, 2023

Re: Conditional use request to allow *Extermination Service* in the O-1 zoning district for property located at 783 Diane Lane

Westley Sullins, has requested to allow *Extermination Service* in the O-1 zoning district for property located at 783 Diane Lane, with the legal description:

A PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 15, T5N, R14W, FAULKNER COUNTY, ARKANSAS, DESCRIBED AS BEGINNING AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 NW 1/4, AND RUN THENCE NORTH 300 FEET; THENCE NORTH 89 DEGREES 28 MINUTES EAST 659.9 FEET; THENCE SOUTH 0 DEGREES 01 MINUTES EAST 300 FEET; THENCE SOUTH 89 DEGREES 28 MINUTES WEST 660 FEET TO THE POINT OF BEGINNING.

The applicant is requesting to open an exterminating service. The Comprehensive Plan designates this area as a Transition Zone. The Transition Zone allows for more intense uses only when sensitivity to adjoining residential areas is considered. This type of use is appropriate for this area. The site is situated at the corner of Dave Ward Dr and should not negatively impact adjacent parcels to the north or east. The size of the lot should allow for adequate space for operations and equipment.

Staff recommendation: Staff recommends approval of the conditional use permit, with the following 8 conditions:

1. Operating hours are limited to Monday – Friday, 8:00am – 5:00pm.
2. Any site improvements shall be subject to development standards as outlined in Article 10 of the Conway Zoning Code, unless otherwise noted in permit conditions.
3. Parking area must be striped and ADA requirements for parking must be met.
4. Tree plantings required along Dave Ward Dr and Diane Ln. A landscape plan must be submitted to Planning Staff for approval.
5. All signage shall be permitted and installed in accordance with Article 12 of the Conway Zoning Code (Sign Ordinance).
6. No zoning variance shall be issued as a result of the commencement of the conditional use.
7. Upon conditional use approval, any expansions or additions to the structures as well as any changes to the use shall require an amended or new conditional use permit.
8. The conditional use shall automatically expire if the approved use ceases for more than 18 consecutive months.

The Planning Commission reviewed the request at its regular meeting on March 13, 2023 and voted 7-0 that the request be forwarded to the City Council with a recommendation for approval.

Please advise if you have any questions.

C-3

O-1

A-1

Diane Ln








Dave Ward Dr

I-1

A-1

Red
Tails Dr
R-1

Zoning

-  City Limits
-  A-1
-  C-3
-  I-1
-  O-1
-  R-1
-  S-1



**City of Conway, Arkansas
Ordinance No. O-23- _____**

AN ORDINANCE AMENDING THE CONWAY ZONING DISTRICT BOUNDARY MAP REFERENCED IN SECTIONS 201.1 AND 201.3 OF THE CONWAY ZONING CODE TO REZONE PROPERTY LOCATED AT 4106 PRINCE STREET, FROM R-1 TO C-3; AND FOR OTHER PURPOSES

Whereas, in accordance Arkansas Code Annotated § 14-56-416 has adopted a Zoning Code and Arkansas Code Annotated § 14-56-423 provides for the amendment of such regulations; and

Whereas, Proper public notice was given, and the Conway Planning Commission held a duly authorized public hearing on **October 17th, 2022**, and adopted the amendments.

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

Section 1: The Zoning District Boundary Map of the Conway Land Development Code be amended by changing all the **R-1** symbols and indications as shown on the Zoning District Boundary Map in an area described as follows:

LOT 93, MALLARD CROSSING SUBDIVISION, FAULKNER COUNTY, ARKANSAS.
LESS AND EXCEPT: THE NORTH 119 FEET THEREOF.

to those of **C-3**, and a corresponding use district is hereby established in the area above described and said property is hereby rezoned.

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

PASSED this 28th day March, 2023.

Approved:

Mayor Bart Castleberry

Attest:

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



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501) 450-6105 • planningcommission@cityofconway.org

MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Kris Paxton, Planning Director
Date: March 28, 2023

Re: Request to rezone property located 4106 Prince Street, from R-1 to C-3

Josh Ferguson, has requested to rezone property located at 4106 Prince Street, from R-1 to C-3, with the legal description:

LOT 93, MALLARD CROSSING SUBDIVISION, FAULKNER COUNTY, ARKANSAS. LESS AND EXCEPT: THE NORTH 119 FEET THEREOF.

The applicant is seeking the rezoning from R-1 to C-3 as the result of a proposed remodel of the structure on the adjacent parcel at 4106 Prince St which required site development review. It was discovered during this review that the zoning of this small parcel had not been amended to align with the long-established use. The property has been zoned C-3 since it was annexed in 1988 and been used as a storage area in support of the commercial use at 4106 Prince St since approximately 2007. The applicant is not proposing any expansion of the commercial use [at 4106 Prince St], beyond the existing fenced area, on this portion of the property at this time. While the zoning change is not consistent with the Comprehensive Plan the subject property has held in common ownership with 4106 Prince St since 1994. Approving the request will not likely negatively impact adjacent property and will resolve the non-conforming nature of the established use.

Staff recommendation: Staff recommends approval of the request as it will allow appropriate use of the property by resolving the non-conforming nature of the established use.

The Planning Commission reviewed the request at its regular meeting on October 17, 2022 and voted to table 8-0 that the request be tabled. The applicant requested to withdraw this agenda item on November 15, 2022 via email and is now requesting it be heard again.

Please advise if you have any questions.

Zoning Map:
REZ-0922-0336

DRAKE DR

HOGAN LN

TEAL DR

PRINCE ST

Zoning

 City Limits

Zoning Codes

 A-1

 C-3

 O-3

 R-1

R-1

R-1

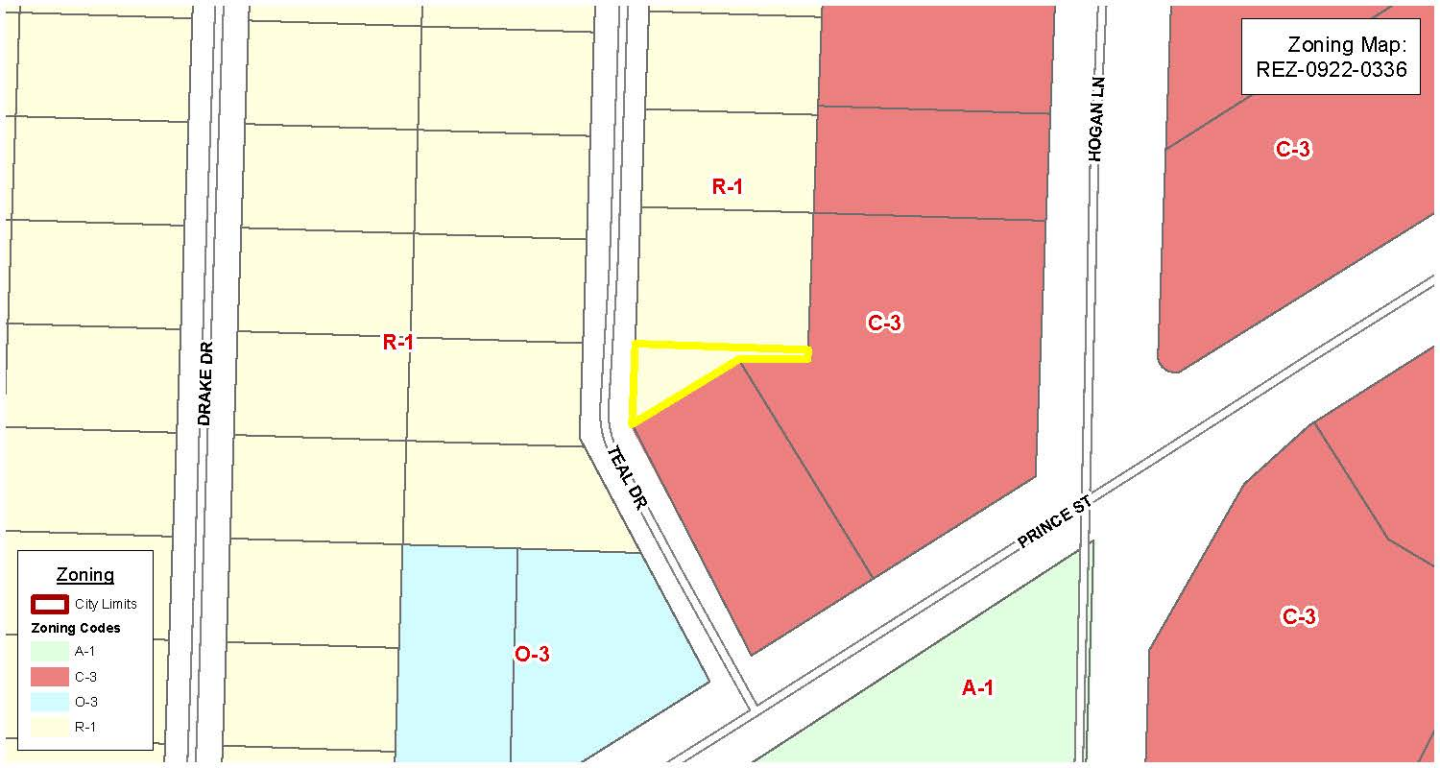
C-3

C-3

O-3

A-1

C-3





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MEMO

To: Mayor Bart Castleberry
cc: City Council Members

From: Kris Paxton, Planning Director
Date: March 28, 2023

Re: Appeal of the Director's Interpretation of Subdivision Ordinance (#0-00-03 as amended)

2805-2830 HARBELLE DR, CRESTHAVEN SUBDIVISION PHASE 4.

The applicant is appealing the interpretation and application of the Subdivision Regulations (#0-00-03 as amended), specifically Article V §9 that applies to the requirement for sidewalks, by the Director of Planning & Development, James Walden. The Planning Commission voted to forward the item to City Council for further review with concerns related to inconsistent application of the Subdivision Code. The Planning Commission's considerations were limited to determination as to if the Director did or did not interpret Section 9 of the Subdivision Code correctly, which states, "*Sidewalks shall be constructed within any subdivision in accordance with these regulations*", and Section 9.10.G which states, "*If a waiver is granted, the subdivider/developer shall contribute funds in lieu of sidewalk construction equal to the four-year rolling average of the "WEIGHTED AVERAGE" amounts listed for "CONCRETE WALKS" in the four most recent editions of the "Arkansas Department of Transportation Weighted Average Unit Prices". This in-lieu fee shall be subject to a maximum fee equivalent to one hundred fifty (150) feet of street frontage per lot for lots intended for single-family or two-family dwelling uses. There shall no [sic] maximum fee for lots containing or intended for other uses.*" The Planning Commission did not have the ability to waive the requirement in full, which would require further actions by City Council to consider.

Staff recommendation: Staff does not typically provide recommendations for appeals, as the original recommendation is staff's interpretation of the Code. However, upon hiring a new Director of Planning & Development, the new Director can provide a recommendation. Staff was limited in recommendations to the Planning Commission, as it was a direct question to determine if the previous Director did or did not interpret the code correctly. However, the City Council can exercise their authority and consider additional options which will be presented by the Director. The current Director of Planning & Development will recommend the City Council to consider waiving the fees for 5 lots that are under contract, which will be Option 2 in the presentation.

The Planning Commission reviewed the original request at its regular meeting on March 13, 2023 and voted to forward the item to City Council for further consideration. The Director has added options that the City Council may consider which the Planning Commission did not have the authority to grant with the appeal.

Please advise if you have any questions.



**City of Conway, Arkansas
Ordinance No. O-23-___**

AN ORDINANCE APPROPRIATING INSURANCE PROCEEDS AND GENERAL FUNDS AND WAIVING BID REQUIREMENTS FOR THE DISTRICT COURT BUILDING REPAIR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

Whereas, The Conway District Court Building recently suffered property damage from frozen pipes and would like to repair the facility; and

Whereas, The Conway District Court Department received \$40,990.84 from the Municipal Property Program; and

Whereas, The Conway District Court Department received quotes for the emergency repair and would like to recommend Cleanway Restoration & Construction in the amount of \$53,233.07; and

Whereas, The Conway District Court Department would like to appropriate \$12,242.23 from the General Fund to complete this project.

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 competitive bid requirement for the emergency repair and approve Cleanway Restoration and Construction.

Section 2. The City of Conway accepts insurance proceeds in the amount of \$40,990.84 from 001-119-4360 and appropriate funds into 001-128-5410 General Fund Building Maintenance Account.

Section 3. The City of Conway shall appropriate \$12,242.23 from the General Fund Balance Appropriation Account 001-119-4900 and transfer funds into 001-128-5410 General Fund Building Maintenance Account.

Section 4. 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 5. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 28th day of March 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer



**City of Conway, Arkansas
Ordinance No. O-23- _____**

**AN ORDINANCE APPROPRIATING FUNDS RECEIVED FROM THE ARKANSAS MUNICIPAL LEAGUE
FOR THE CONWAY FIRE DEPARTMENT; AND FOR OTHER PURPOSES**

Whereas, the Conway Fire Department requests \$696 for the use of repairing Engine 6’s intake valves from damages incurred while waiting on bodywork to be done; and

Whereas, funds in the amount of \$696 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 \$696 from the Insurance Proceeds Account (001.119.4360) to the Fire Department Vehicle Maintenance Operating Account (001.131.5450).

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

PASSED this 28th day of March, 2023.

Approved:

Mayor Bart Castleberry

Attest:

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



**City of Conway, Arkansas
Ordinance No. O-23-_____**

**AN ORDINANCE APPROPRIATING FUNDS FOR THE CONWAY FIRE DPEARTMENT; AND FOR OTHER
PURPOSES**

Whereas, the Conway Fire Department requests \$286.50 be placed in a special Ammo Burner account to purchase propane and any maintenance required , and;

Whereas, funds in the amount of \$286.50 were received from Linn’s Auto Inc. to be used for such purpose; and

Whereas, a special account was set up to track these funds as part of a HSGP grant requirement; and

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

Section 1. The City of Conway shall appropriate \$286.50 from the Ammo Recycling Revenue Account (001. 131.4354) to the Fire Department Miscellaneous Supplies Account (001.131.5699).

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

PASSED this the 28th day of March, 2023

Approved:

Mayor Bart Castleberry

Attest:

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



**City of Conway, Arkansas
Ordinance No. O-23- _____**

AN ORDINANCE ACCEPTING GRANT PROCEEDS AWARDED TO THE CONWAY FIRE DEPARTMENT BOMB SQUAD, WAIVING THE COMPETITIVE BIDS PROCESS, AND FOR OTHER PURPOSES:

Whereas, Conway Fire Department has been awarded a grant in the amount of \$186,330 by the Arkansas Department of Emergency Management (ADEM) as the State Administrative Agency (SAA) for the Homeland Security Grant Program (HSGP) from the Department of Homeland Security Federal Emergency Management Agency (DHS FEMA) as a recipient for the FY22 Homeland Security Grant Program under the Law Enforcement Terrorism Prevention Activities (LETPA) category; and

Whereas, the Conway Fire Department Bomb Squad requests acceptance of this grant to purchase equipment and training.

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

Section 1. The City of Conway shall budget grant funds of \$186,330 in the Federal Grant Fund Revenue Account (399.000.4750) and transfer \$158,330 into the Grant Machinery and Equipment expense account (399.131.5910); and \$28,000 into the Travel Expense Line Item (399.131.5910).

Section 2. The City of Conway hereby approves waiving the competitive bid requirement and will utilize Logos Imaging, LLC as a sole source vendor to purchase a Logos DR Xray System (\$78,700).

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

PASSED this 28th day of March, 2023.

Approved:

Mayor Bart Castleberry

Attest:

Michael O. Garrett
City Clerk/Treasurer