
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
February 23, 2021

On this date the City Council of the City of Conway, Arkansas met in regular session. ***Due to restrictions imposed because of the COVID-19 pandemic, the City Council meeting was held via Facebook Live on the City of Conway, Arkansas Facebook page, and the City of Conway YouTube channel.*** The following members being a quorum were present and acting: Councilman Hawkins, Councilman Jones, Councilwoman Mehl, Councilman Ledbetter, Councilman Grimes, Councilman Pruitt and Councilwoman Smith. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett, and City Attorney Charles Finkenbinder. Councilwoman Isby was not present.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett, City Clerk

Minutes: February 9, 2021

Councilwoman Smith motioned to approve the **February 9, 2021** minutes as submitted. Councilman Jones seconded the motion. There was no discussion. The motion passed 7-0.

Monthly Financial Report ending January 31, 2021

Tyler Winningham, Chief Financial Officer addressed the Council stating that the year has started out well with sales tax up approximately 6.2% over January of last year. He said however, franchise fees appear to be down due to a delay in receiving Sanitation payments from Conway Corp, so those numbers will look better next month. He added that other departments are steady and spending is down. Councilwoman Smith made a motion to approve the monthly financials. Councilwoman Mehl seconded it. The motion to approve passed 7-0.

Report of Standing Committees:

A. Community Development Committee (Airport, Community Development, Planning & Development, Permits & Inspection (Code Enforcement), Historic District, Transportation)

- 1. Resolution to approve the consultant for the Community Development Block Grant Program to prepare the 5-year consolidation plan.**

R-21-10

Councilman Hawkins presented Item A1 to the Council. Kiera Oluokun addressed the Council stating that this plan is presented every five years as required by HUD. She added that five consulting companies bid for the Consolidated Plan, Analysis of Impediments, and the one-year Action Plan per requirements. She asked the Council to approve the lowest bid from Chrysalis Research Consulting in the amount of \$25,250. Councilwoman Smith made a motion to adopt the Resolution and Councilman Jones seconded it. The motion to adopt the Resolution passed 7-0.

- 2. Consideration to approve a conditional use permit to allow a childcare facility in O-2 for property located at 930 Wingate Drive, Building E.**

Councilman Hawkins presented Item A2 to the Council stating that this item was reviewed by the Planning Commission on February 16 and was voted 7-0 with one abstention to forward to City Council with a recommendation for approval with conditions:

1. Operating hours are limited to Monday – Friday, 7:00am – 6:00pm.
2. No drive-thru drop-off or pick-up is allowed. Patrons must park and walk into drop-off and pick-up children.
3. No equipment taller than 18” shall be allowed in the outdoor play area.
4. Use of the outdoor play area is limited to 2 hours per day.
5. Any new fencing shall comply with Article 1101, Development Review Standards,

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

of the Zoning Code. Fencing type and placement shall be approved by Planning Staff prior to installation.

6. Any new lighting shall be inward, downcast, and shrouded to prevent light trespass onto adjacent property and shall comply with Article 1101, Development Review Standards, of the Zoning Code.
7. Any expansions or additions to the structure or outdoor play area as well as any changes to the use shall require an amended or new conditional use permit.

James Walden explained that the current zoning, O-2 allows for a childcare facility with a Conditional Use Permit. He added that the conditions are standard for such a location. Councilman Ledbetter asked where the outdoor playground area was located. Mr. Walden replied that it was located on the south end where the existing parking area is. He clarified that the playground would back up to adjacent homes in the neighborhood and added that there were no objections received during the public hearing process. Councilman Ledbetter asked if fencing or green buffers would be required and Mr. Walden replied that the conditions set forth were State requirements. Councilwoman Smith and other Councilmembers expressed concern over the playground noise issue. Councilman Hawkins asked if 30 children were the limit for this facility and Mr. Walden confirmed that it was. Councilman Hawkins made a motion to approve the conditional use permit and Councilman Pruitt seconded it. The motion passed 5-2 with Councilwoman Smith and Councilman Ledbetter voting "No".

3. **Ordinance requesting to rezone +/- 5.11 acres located north of Gentry Lane, northwest of Lake Front Drive and West End Street from R-1 to PUD.**

O-21-27

Councilman Hawkins presented Item A3 to the Council stating that this item was reviewed by the Planning Commission on February 16 and was voted 8-0 to forward to City Council with a recommendation for approval with conditions:

1. Permitted uses are limited to single-family residential with a maximum of 4 dwelling units.
2. All standards and uses other than those defined shall be governed by restrictions of the R-1 zoning district.
3. Maximum height of primary residence shall not exceed 45 feet.
4. Building setbacks shall be: Front, Exterior, and Rear – 25 feet; Interior – 6 feet.
5. One accessory structure, per primary residence, is allowed on the north side of the access easement with a maximum area no greater than 50% of the heated and cooled square footage of the primary residence.
6. Trees 12" and greater in diameter shall remain unless they directly impede home construction, pose a safety hazard, or are a noxious species.
7. Applicant shall plat the property in accordance with the Subdivision Regulations.
8. Applicant shall return a signed copy of the final development plan agreement prior to the issuance of building permits.
9. All roadway improvements shall be privately maintained.
10. A Property Owners' Association shall be required to be formed and operate in perpetuity to maintain all common areas and improvements such as streets, entry gate, and lighting.
11. PUD shall be generally developed according to the proposed plan and the PUD proposal. Minor variations from the approved plan may be allowed by approval from the Planning Director.

James Walden addressed the Council stating that this is a residential PUD. He explained that this was to be developed as a four-lot subdivision with gated private streets on Gentry Lake. He added that there were neighborhood concerns but that they had been overcome through the review process. He said that the conditions are mostly standard. He pointed out that the City would not maintain the streets since it will be a private gated community. Councilwoman Smith made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion carried 7-0. Councilwoman Smith made a motion to adopt

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Pruitt, Councilwoman Smith, Councilwoman Mehl, Councilman Jones, Councilman Grimes and Councilman Ledbetter. The Ordinance passed 7-0.

4. **Ordinance requesting to rezone +/- 6.52 acres located at 1150 Museum Road: 1 and 3 Oak Grove Drive from R-1 to PUD.**

O-21-28

Councilman Hawkins presented Item A4 to the Council stating that this item was reviewed by the Planning Commission on February 16 and was voted 6-0 with 2 abstentions to forward to City Council with a recommendation for approval with conditions:

1. Permitted uses are limited to one-family and two-family residential uses as indicated on the approved plan with a maximum of 32 dwelling units.
2. All standards and uses other than those defined shall be governed by restrictions of the R-1 zoning district.
3. Driveways shall be a minimum of 20 feet in length for new development.
4. New buildings shall be of the following materials: - Brick/stone - Cement fiber board (Hardie Board) -Wood - Other materials as approved by the Planning Director.
5. Vinyl Siding shall be prohibited.
6. Any proposed fencing shall be approved by the Planning Director prior to installation.
7. No accessory structures shall be permitted.
8. Applicant shall plat the property in accordance with the Subdivision Regulations, at which time setbacks will be finalized.
9. Applicant shall return a signed copy of the final development plan agreement prior to the issuance of building permits.
10. All roadway improvements shall be privately maintained.
11. A Property Owners' Association shall be required to be formed and operate in perpetuity to maintain all common areas and improvements such as streets, sidewalks, and drainage.

James Walden addressed the Council stating that the property presented challenges for development and that the Commission felt that a PUD was the best path to take with the conditions as stated. Councilwoman Smith made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion carried 7-0. Councilwoman Smith made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Grimes, Councilwoman Mehl, Councilman Jones, Councilman Hawkins, Councilman Ledbetter, Councilwoman Smith, and Councilman Pruitt. The Ordinance passed 7-0.

B. Personnel

1. **Resolution authorizing the transaction of business for the City's Employee's defined benefit Pension Plan.**

R-21-11

Mayor Castleberry presented Item B1 to the Council. Lisa Mabry-Williams addressed the Council stating that this Resolution is at the request of the City's Financial advisor, Meridian. She explained that the new pension plan is showing Board members no longer serving on the Board and that the record needs to be updated. Councilman Hawkins made a motion to adopt the Resolution and Councilwoman Mehl seconded it. The motion to adopt the Resolution carried 7-0.

2. **Ordinance amending the Inclement Weather Policy in the Employee Handbook for the City of Conway.**

O-21-29

Mayor Castleberry presented Item B2 to the Council. Lisa Mabry-Williams explained to the Council that the Inclement Weather Policy has not been updated in several years and needed to be updated to reflect current standards. Councilwoman Smith made a motion to waive the three readings and Councilman

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Jones seconded it. The motion carried 7-0. Councilwoman Smith made a motion to adopt the Ordinance with the emergency clause and Councilman Pruitt seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilman Pruitt, Councilwoman Mehl, Councilman Ledbetter and Councilman Jones. The Ordinance with the emergency clause passed 7-0.

R-21-12

Mayor Castleberry requested that the rules be suspended to hear another matter. Councilwoman Smith moved to suspend the rules and Councilman Pruitt seconded it. The motion carried 7-0. Jack Bell, Airport Director told the Council that the Airport is eligible for a small Covid-19 Relief Grant for operations and asked them to approve the Resolution to allow for the application of the grant funds. Councilwoman Smith made a motion to adopt the Resolution and Councilman Jones seconded it. The Resolution passed 7-0.

Adjournment-----

PASSED this 23rd day of February 2021

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett