
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

**Conway, Arkansas
Tuesday, 6:00 pm
April 23, 2024**

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 Cummins, Councilman Grimes, Councilman Ledbetter, Councilman Jones, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett, and City Attorney Charles Finkenbinder. Councilman Hawkins, Councilwoman Mehl, and Councilwoman Webb were absent.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael Garrett, City Clerk

Minutes: April 9th, 2024, City Council Meeting

Councilwoman Isby made a motion to approve the minutes as submitted and Councilman Ledbetter seconded it. The motion carried 5-0.

Monthly Financial Report ending March 31st, 2024.

Tyler Wunningham addressed the Council stating that the ad valorem tax revenues are slightly above schedule but added that those funds do not come in evenly throughout the year. He said that sales for March were up about 3% and year to date are up about 10%. He said that in June we should see what impact, if any, that the eclipse event would have on sales tax revenues. He told them that all departments were below budget on expenditures. Councilwoman Isby made a motion to approve the monthly financial report and Councilman Ledbetter seconded it. A vote was called, and the motion carried 5-0.

Report of Standing Committees:

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

1. Update from Mercy Dental Clinic.

2. Consideration to approve waiving all three readings for the ordinances on the April 23, 2024, City Council agenda.

Councilwoman Isby made a motion to approve the consideration to waive all three readings for all ordinances on the April 23, 2024, agenda and Councilman Grimes seconded it. A vote was called, and the motion carried 6-0 with Mayor Castleberry voting.

3. Ordinance to appropriate funds for a mural project for the Conway Public Art Advisory Committee.

O-24-32

Mayor Castleberry presented Item A3 to the Council. Felicia Rogers told the Council that the Public Art Board was asking for approval to appropriate \$5,000 in funding for the Wheels of Opportunity Mural at 1820 Old Morrilton Highway. Councilwoman Isby made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Jones, Councilman Grimes, Councilman Cumins, and Councilwoman Isby. The Ordinance passed 5-0.

4. Resolution approving the submittal of the program year 2024 annual action plan & budget for the Community Development Department.

R-24-20

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Mayor Castleberry presented Item A4 to the Council. Shawanna Rodgers told the Council that they receive each year \$300,000 to \$480,000 in funding although they have yet to receive their final allocation for the year. She said that the money will be used to fund non-profits for transportation services, as well as their projects such as the Central Conway Revitalization and Housing Rehabilitation. She asked the Council for approval of their 2024 action plan and budget. Councilwoman Isby made a motion to adopt the Resolution and Councilman Ledbetter seconded it. A vote was called, and the motion carried 5-0.

5. Resolution to approve the lowest bid for the College Avenue Shared Use Path project for the Transportation Department.

R-24-21

Mayor Castleberry presented Item A5 to the Council. Kurt Jones told the Council that they had received four bids on the project, the lowest bid being Waggoner General Contractors for \$574,105.20. He added that there was also a grant amount for \$350,000, with the City being responsible for the difference. He said that this is part of the Connect Conway Project. Councilwoman Isby made a motion to adopt the Resolution and Councilman Jones seconded it. A vote was called, and the motion carried 5-0.

6. Consideration to approve a conditional use permit to allow a laundromat in the O-2 zoning for property located at 3955 College Avenue.

Mayor Castleberry presented Item A6 to the Council. Anne Tucker addressed the Council that April 15th the Planning Commission unanimously voted to allow the applicant to develop the site with three multi-use tenant spaces and a laundromat with 2 additional tenant spaces for quiet office use on either side. She added that there were 10 staff requirements given with the approval from the Planning Commission.

1. Operating hours are limited to 7:00am—9:30pm.
2. The development shall be subject to site development review in accordance with Article 10 of the Zoning Code, prior to the issuance of any building permits.
3. Driveways shall be aligned with the shared property line to the west (between Lots 1 and 2 of the Hogan Professional Park) and will be required to provide shared access with the undeveloped Lot 3 of the Hogan Professional Park platted lot to the east.
4. All exterior lighting shall be inward, downcast, and shrouded to prevent light trespass onto adjacent properties and shall comply with Article 10 of the Zoning Code.
5. Any new fencing shall comply with Article 10 of the Zoning Code. Fencing type and placement shall be approved by Planning Staff prior to installation.
6. No zoning variance, required as a result of the commencement of the conditional use, may be requested.
7. All signage shall be permitted and installed in accordance with the Conway Sign Code.
8. Any changes to or expansion of the approved use shall require an amended or new conditional use permit.
9. The conditional use approval shall become null and void if the use is not commenced within 18 months from the date of approval of this permit.
10. The conditional use permit shall expire if the use ceases for a consecutive period of greater than 18 months.

Stefanie Schreckenhofer, the realtor for the applicant spoke in favor of the project. Councilwoman Isby made a motion to approve the conditional use permit and Councilman Ledbetter seconded it. A vote was called, and the motion carried 5-0.

7. Consideration to approve a conditional use permit to allow a Transmission Tower in the C-3 zoning for property located at 1845 Old Morrilton Highway.

Mayor Castleberry presented Item A 7 to the Council. Anne Tucker told the Council that the Planning Commission voted unanimously to approve the request for a conditional use permit. She said that the applicant is requesting to relocate equipment that is currently installed on the water tower and has requested exceptions for some of the regulations and has provided justifications for each. She added that

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Staff recommended approval of the conditional use permit, with the following conditions:

1. Applicant to provide stamped, designed drawings prior to building permitting.
2. All regulations of Section 528 of the Conway Zoning Code must be along with the exceptions listed above.
3. No zoning variances, in conjunction with the conditional use, shall be allowed.
4. If the approved use is not commenced within 18 months from the date of approval, or if the use ceases for a consecutive period greater than 18 months, the conditional use permit shall expire.
5. If the tower is not used for a continuous period of 24 months, it must be dismantled and removed by the telecommunications service provider.
6. Any expansion of the use or site, including but not limited to a substantial increase in use intensity, new buildings, substantial changes in character, etc. shall require approval of a new conditional use permit.

Mark Ferguson addressed the Council stating that when his company was the successful bidder for Conway Corp's project, they saw an opportunity to make their infrastructure safer by relocating the cell equipment from the water tank to the monopole structure. He reiterated that they requested a waiver to place the antennae on the outside of the structure because the equipment that is on the tank would not fit into the monopole structure. Councilwoman Isby made a motion to approve the conditional use permit and Councilman Jones seconded it. A vote was called, and the motion carried 5-0.

8. Ordinance to rezone property located at 6 Southerland Road from A-1 to R1.

O-24-33

Mayor Castleberry presented Item A8 to the Council. Anne Tucker told the Council that the Tyler Group, on behalf of Tremain Harris, has asked for the rezoning to develop a single-family residential neighborhood. She added that the Planning Commission approved the request unanimously as it would provide an appropriate level of transition toward the low-density agricultural development to the west. Councilman Ledbetter 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, Councilman Cummins, and Councilman Jones. The Ordinance passed 5-0.

9. Ordinance to rezone property located at 1695 S. German Lane from A-1 to S-1.

O-24-34

Mayor Castleberry presented Item A9 to the Council. Anne Tucker told the Council that this is the site of the Restoration Church and they have been operating under a conditional use. She said they are asking to rezone the property to S-1 which is more appropriate for churches and because they are soon to start an addition to the building. She added that the request was approved unanimously by the Planning Commission. Councilwoman Isby made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilman Ledbetter, Councilman Jones, Councilman Grimes, and Councilman Cummins. The Ordinance passed 5-0.

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

1. Ordinance appropriating funds for repairs to Rescue 1 unit for the Conway Fire Department.

O-24-35

Mayor Castleberry presented Item B1 to the Council. Chief Mike Winter told the Council they had received a check for \$7,972.00 from insurance proceeds and asked them to approve the appropriation. Councilman Jones made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilman Grimes, Councilman Cummins, Councilwoman Isby, Councilman Ledbetter, and Councilman Jones. The Ordinance passed 5-0.

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Adjournment-----

PASSED this 23rd day of April 2024

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett