
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:00 pm
May 25, 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 Grimes, Councilman Pruitt, Councilwoman Mehl, Councilman Ledbetter, Councilwoman Smith, Councilman Jones 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 O. Garrett, City Clerk

Minutes: May 11, 2021

Councilwoman Isby motioned to approve the **May 11, 2021** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Monthly Financial Report ending April 30, 2021

Tyler Winningham, Chief Financial Officer addressed the Council stating that our operating funds took hit in April due to a three-payroll month. He added that sales tax was up 1.9% and even though a negative expense for the year is showing, he expected it to rebound quickly. He said the other operating funds looked good except Airport since it operates with a very small margin and the three-payroll month affect it. He gave the Council a report on the A&P tax situation since the Pandemic stating that it has been up and down, but overall through May it is up 4.5%. Councilwoman Smith made a motion to approve the Financial Report ending April 30, 2021 and Councilwoman Isby seconded it. The motion carried 8-0.

Report of Standing Committees:

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

1. Resolution to set a public hearing to discuss vacating easements of Mayor Lane, EW Martin Road, and William J. Clark Drive for the Conway Development Corporation.

R-21-40

Mayor Castleberry presented Item A1 to the Council stating that the date has been changed to June 22, 2021. Councilwoman Smith made a motion to adopt the Resolution with the date change and Councilwoman Isby seconded it. Councilman Grimes asked how the closing of the built right-of-way affect traffic flow in Industrial Park as there are several large warehouse centers that utilize Mayor Lane as access to Dave Ward. James Walden, Planning Director replied that there would be the same connectivity, but some of the roads would be relocated to accommodate the large use anticipated. There was no further discussion. The Clerk called for a vote. The Resolution passed 8-0.

2. Consideration to approve the right of way easement acquisition for Conway Corporation.

Mayor Castleberry presented Item A2 to the Council. Greg Dale addressed the Council stating that there are two easements, one that Conway Corp operates but in the City's name, and the other is on a piece of property that the City bought. Both easements are in conjunction with work that Conway Corp did for flood mitigation. He added that the work is done and they were asking the Council to approve the easement acquisition. Councilwoman Isby made a motion to approve the consideration and Councilwoman Smith seconded it. The motion to approve carried 8-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

3. Resolution to approve applying for the Rural Broadband Grant with Conway Corporation.

R-21-

Mayor Castleberry presented Item A3 to the Council. Greg Dale with Conway Corp addressed the Council stating that there has been a grant opportunity identified to do a rural broadband study. He added that it is a state grant administered through UAMS and is for up to \$75,000 for a case study and design for broadband. He said that Conway Corp can now serve broadband anywhere in the State but is interested in providing broadband to the immediate areas around Conway. He added that this grant goes to the County or City rather than the Utility, so the City would need to apply but that Conway Corp would do most of the administrative work. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. Councilwoman Mehl asked if this would apply to areas that we know as extra territorial jurisdiction and would be close to the City limits. Mr. Dale responded that yes, they are interested in areas that might someday soon be annexed to the City, so broadband would already be there. He reminded them that this grant does not actually pay for the broadband, but it provides a study. He added that there is additional money that should be available to offset the capitol costs for the provision of the broadband. There was no further discussion. The Clerk called for a vote. The Resolution passed 8-0.

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

1. Ordinance to approve the transfer of a private club permit for Playa Azul Mexican Grill, Inc. to a different location.

O-21-57

Councilman Hawkins presented Item B1 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. The restaurant owner was not present. Councilman Ledbetter asked if this owner had requested a transfer of permit before and it was clarified that he had. 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 Grimes. Councilman Pruitt, Councilwoman Isby, Councilman Jones, Councilwoman Smith, and Councilwoman Mehl. The Ordinance passed 7-1 with Councilman Ledbetter voting "No".

2. Resolution to approve a lease agreement with Conway Aircraft Maintenance Services, LLC, and grant applications from the Arkansas Division of Aeronautics for the Conway Regional Airport.

R-21-42

Councilman Hawkins presented Item B2 to the Council. Jack Bell, Airport Director addressed the Council stating that this is a lease agreement with a local company, and which allows the City to apply for some grants. He said they will pay the matching funds for the grant which will apply toward the rent for the hangar, which will belong to the City. He added that when they have paid the lease agreement in full, they will begin paying monthly rent of \$2600. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The motion carried 8-0. The Clerk called for a vote. The Resolution passed 8-0.

3. Ordinance to accept the bid for construction of the T-Hangar building at the Conway Regional Airport.

O-21-58

Councilman Hawkins presented Item B3 to the Council. Mr. Bell told the Council that this Ordinance awards the low bid for the T-Hangar building which came in just a little above what was anticipated. He said that the City was able to negotiate a lower bid with the final amount being \$968,059 from Frank A Rogers, Co, Inc. He added that they have a lot of experience in the aeronautic industry and he asked the Council to award the job to Rogers. Councilman Hawkins asked how many hangars there would be, and Mr. Bell answered that there would be 12 enclosed hangars which would bring the total of T-Hangars at the airport to be 60. Councilwoman Smith made a motion to waive the three readings and

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Councilwoman Isby seconded it. The motion carried 8-0. 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, Councilwoman Isby, Councilwoman Mehl, Councilman Grimes, Councilman Hawkins, Councilwoman Smith, Councilman Pruitt, and Councilman Jones. The Ordinance with the emergency clause passed 8-0.

4. Ordinance to approve the five-year financing for construction of the T-Hangar building at the Conway Regional Airport.

O-21-59

Councilman Hawkins presented Item B4 to the Council. Mr. Bell told the Council that they anticipate the sale of some airport property to help pay for the construction. There was some discussion as to whether the City could pay off the loan without the sale of the property at Central Landing. Tyler Winningham told the Council that the City's ability to pay the loan back depends on the sale of the property. He added that the structure of the note is to pay the interest annually and pay the principal at the time the land sells. There was some discussion among the Council as to different strategies if the land did not sell. Aaron Knight addressed the Council to clarify stating that the 40 acres is the total option for sale, and he did not believe that the entirety of that option would be taken, so there would be additional property at Central Landing that would be available for use by the City for development such as an aquatic center if that were decided. There was discussion as to whether the sale of the property would cover the cost of the Hangar building. There was discussion regarding raising hangar rental fees to increase revenue at the Airport. Councilwoman Mehl asked if there were any other funding besides the General Fund that could be applied, and he replied that there was not. Mr. Bell urged the Council to approve the financing to prevent the bid from expiring and because costs of materials are continuing to rise. He added that the funding from the FAA had been used and part of that grant was for the City to cover the remaining costs to finish the construction of the hangar. Councilwoman Isby made a motion to waive the three readings and Councilman Jones seconded it. The motion carried 8-0. 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 Pruitt, Councilwoman Mehl, Councilman Hawkins, Councilman Jones, Councilman Ledbetter, and Councilman Grimes. The Ordinance passed 7-0, with Councilwoman Isby abstaining from the vote.

5. Consideration to approve the removal of various items from inventory for the Transportation Department.

Councilman Hawkins presented Item B5 to the Council. Councilwoman Isby made a motion to approve the consideration and Councilwoman Smith seconded it. The motion to approve carried 8-0.

6. Resolution to enter a real estate contract to acquire property located at 846 Donaghey Ave for the Donaghey Phase 2 Roadway Project for the Transportation Department.

R-21-43

Councilman Hawkins presented Item B6 to the Council. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. The motion carried 8-0. There was no further discussion. The Clerk called for a vote. The Resolution passed 8-0.

Councilman Hawkins dismissed himself from the meeting.

7. Ordinance to rezone property located at 507 Bruce Street from C-3 to PUD for the Planning & Development Department.

O-21-60

Mayor Castleberry presented Item B7 to the Council. James Walden addressed the Council stating that this is a property that is under consideration for two commercial lots that will permit up to a maximum of 30

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

residential units which are intended to be duplexes with parking in the rear. He added that there are requirements of a 6' perimeter fences around the entirety of the property as well as continuous evergreen plantings along the back. He added that the fencing and evergreen plantings were in response to some neighborhood opposition. The Planning Commission approved unanimously and voted to send to the City Council with a recommendation for approval. Mr. Walden clarified that the opposition came from neighboring businesses who were concerned about how residential property could impact their businesses in the future. Councilwoman Isby 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 and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Jones, and Councilwoman Isby. The Ordinance passed 7-0.

8. Ordinance to rezone property located at 39 Thousand Oaks Circle from A-1 to R-1 for the Planning & Development Department.

O-21-61

Mayor Castleberry presented Item B8 to the Council. James Walden addressed the Council stating that the difference in the zonings is that the A-1 has a large lot size requirement and since the intention is to split the lot they are requesting to re-zone to R-1. Councilwoman Isby made a motion to waive the three readings and Councilman Jones 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 Pruitt, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilwoman Mehl, and Councilwoman Smith. The Ordinance passed 7-0.

9. Ordinance to rezone +- 29.99 acres along Bill Bell Lane, south of Favre Lane from A-1 to R-1 for the Planning & Development Department.

O-21-62

Mayor Castleberry presented Item B9 to the Council. James Walden stated that this is to accommodate a subdivision for Mr. Frank Shaw. It was anticipated to be 40-50 lots on the property requiring the R-1 zoning. 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": Councilwoman Isby, Councilman Ledbetter, Councilman Grimes, Councilman Pruitt, Councilwoman Smith, and Councilwoman Mehl. The Ordinance passed 7-0.

10. Ordinance to rezone property located at 1320 Lewis Ranch Road from C-3 to MF-3 for the Planning & Development Department.

O-21-63

Mayor Castleberry presented Item B10 to the Council. James Walden said that this is to accommodate a planned apartment complex. He added that the property would support up to 114 units, and there have been no concerns expressed with this development. 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": Councilwoman Mehl, Councilman Ledbetter, Councilwoman Smith, Councilman Grimes, Councilman Pruitt, Councilman Jones, and Councilwoman Isby. The Ordinance passed 7-0.

11. Ordinance to rezone property located at 20 Bronnie Lane from A-1 to C-2 for the Planning & Development Department.

O-21-64

Mayor Castleberry presented Item B11 to the Council. James Walden told the Council that zoning is being sought to accommodate a mini storage facility on Bronnie Lane. He added that there are no real neighbors in the area and there has been no opposition. Councilwoman Smith made a motion to waive the three

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

readings and Councilwoman Isby 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 Pruitt, Councilwoman Mehl, Councilman Grimes. Councilman Ledbetter, Councilwoman Smith, Councilman Jones, and Councilwoman Isby. The Ordinance passed 7-0.

12. Consideration to approve a conditional use permit to allow mini storage in C-2 for property located at 20 Bronnie Lane for the Planning & Development Department.

Mayor Castleberry presented Item B12 to the Council. James Walden stated to the Council that the conditional use permit contains all the necessary requirements to protect the development visually from surrounding properties. Councilwoman Smith made a motion to approve the conditional use permit and Councilwoman Isby seconded it. The motion to approve carried 7-0.

13. Consideration to modify conditional use permit no. 1382REV issued for property located at 1717 S. Donaghey Ave for the Planning & Development Department.

Mayor Castleberry presented Item B13 to the Council. James Walden addressed the Council stating that this item started with Code Enforcement being called to the property due to non-permitted structures being built on the property, as well as other expansions to the development of the property since the issuance of a previous conditional use permit. The owners were advised to apply for a modification of the conditional use permit to remedy the situation, prior to seeking building permits. The Planning Commission expressed openness to allowing gravel improvement the primary concern being that the parking improvements not push drainage onto neighboring properties, as well as making sure that the structures are within Codes and follow all safety requirements. Mayor Castleberry summarized by saying that the owners, Soul Food Café, had come to agreement with the neighboring property owners that resulted in the conditional use permit that they were granted, and now have further improved the parking areas and built unpermitted structures on the property. James Walden added that the modified conditional use permit reviewed by the Planning Commission included the staff recommended conditions, such as going back through the planning review process for oversight of the building of the structures. So the approval of the modified conditional use permit would allow them to get the structures compliant with codes and provides them a route to become legal. There was discussion among the Council regarding the actions of the owners against the consideration of the neighboring property owners. Councilwoman Mehl said that she knows that some of the changes made at the property were due to Covid restrictions and the adjustments that were necessary in their operations. Mr. Walden added that due to the restrictions of Covid-19 on their food distribution process, they have added a robust drive through operation. Councilman Grimes share an email he had received from one of the property owners in the area which stated numerous violations of the initial conditional use permit. Mr. Walden summarized again by saying that the modified conditional use permit would require the owners to apply for building permits for what has been built, and would likely require modification of the building arrangements, and would require them to go through the planning review process. Councilman Grimes made a motion to approve the modification of the conditional use permit and Councilman Pruitt seconded it. The Clerk called for a vote. The consideration failed 0-7.

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

1. Ordinance appropriating funds to repair property damage at Fifth Avenue Park for the Parks & Recreation Department.

O-21-65

Mayor Castleberry presented Item C1 to the Council. Steve Ibbotson, Parks & Recreation Director addressed the Council stating that an insurance check had been received for the damage and they were seeking approve from Council for appropriation of the funds. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

with the following voting "Aye": Councilman Pruitt, Councilwoman Smith, Councilwoman Mehl, Councilwoman Isby, Councilman Jones, Councilman Grimes, and Councilman Ledbetter. The Ordinance passed 7-0.

2. Ordinance appropriating funds to replace a vehicle for the Parks & Recreation Department.
O-21-66

Mayor Castleberry presented Item C2 to the Council. Steve Ibbotson told the Council the funds had been received from Insurance and asked for approval to appropriate the fund to the A&P account. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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 Isby, Councilman Grimes, Councilwoman Mehl, Councilman Jones, Councilman Ledbetter, Councilwoman Smith, and Councilman Pruitt. The Ordinance passed 7-0.

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

1. Ordinance appropriating funds for Station 1 repairs for the Conway Fire Department.
O-21-67

Mayor Castleberry presented Item D1 to the Council. Chief Mike Winter asked the Council to approve the appropriation of the funds to repair Station 1. 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 and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Grimes, Councilman Pruitt, Councilwoman Mehl, Councilwoman Isby, Councilman Ledbetter and Councilman Jones. The Ordinance passed 7-0.

2. Ordinance appropriating funds for truck repairs for the Conway Fire Department.
O-21-68

Mayor Castleberry presented Item C1 to the Council. Chief Mike Winter asked the Council to approve the appropriation of the insurance funds to repair Engine 7. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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 Pruitt, Councilman Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilman Jones and Councilwoman Isby. The Ordinance passed 7-0.

Mayor Castleberry asked the Council to consider meeting once per month during the months of June, July, and August. He called for a vote from the Council. The consideration passed 7-0.

Adjournment-----

PASSED this 25th day of May 2021

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett