
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:00 pm
May 28, 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 Hawkins, Councilman Grimes, Councilman Cummins, Councilman Ledbetter, Councilwoman Webb, Councilman Jones, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, and City Attorney Charles Finkenbinder. Councilwoman Mehl was absent.

Call to Order: Mayor Bart Castleberry

Roll Call: Denise Hurd, Deputy City Clerk

Minutes: May 14th, 2024, City Council Meeting

Councilwoman Isby made a motion to approve the minutes as submitted and Councilwoman Webb seconded it. The motion carried 7-0.

Monthly Financial Report ending April 30th, 2024.

Tyler Winningham addressed the Council stating that sales tax was up 3.5% over this month last year, and up 8.5% year to date. He added that those figures were about 2% above budget. He said that some departments are getting close to the top of their budget for expenditures for the first four months, but none are at or above budget. He pointed out that the Street Department is showing a net expense for the year but stated that he didn't see cause for concern as they are doing work that has been approved. Councilwoman Isby made a motion to approve the monthly financial report and Councilman Ledbetter seconded it. The motion carried 7-0.

Report of Standing Committees:

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

1. Consideration to approve waiving all three readings for the ordinances on the May 28, 2024, City Council agenda.

Councilwoman Isby made a motion to approve the consideration to waive all three readings for all ordinances on the May 28, 2024, agenda and Councilwoman Webb seconded it. A vote was called, and the motion carried 7-0.

2. Resolutions requesting the Faulkner County Tax Collector place a lien on the following properties for expenses incurred by the City:

R-24-25

1612 Hardy St. in the amount of \$147.92 – There was no one present to represent the property. Councilman Jones made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called, and the motion carried 7-0.

R-24-26

26 Brierwood Circle in the amount of \$147.92 - There was no one present to represent the property. Councilman Jones made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called, and the motion carried 7-0.

R-24-27

10 Pebblebrook Drive in the amount of \$149.99 - There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilman Jones seconded it. A vote was called, and the motion carried 7-0.

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R-24-28

2215 Cedar Oaks Dr. in the amount of \$184.85 - There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilman Jones seconded it. A vote was called, and the motion carried 7-0.

R-24-29

2109 Lookout Ave in the amount of \$311.81 - There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilman Jones seconded it. A vote was called, and the motion carried 7-0.

3. Ordinance appropriating funding and accepting the lowest bid for the Chestnut Street Box Culvert project for the Transportation Department.

O-24-39

Councilman Hawkins presented Item A3 to the Council. Mayor Castleberry told the Council that this is one of the projects funded by Rescue Funds. Kirt Jones addressed the Council stating that this project is for the ditch that runs under Jennifer's Antiques off of Oak Street and continues through the alley between Chestnut and Court Streets. He said that the plan is to close the open ditch to make the area accessible to pedestrians and vehicles, which would make the area behind those buildings on Oak Street down to Main Street accessible and the area usable to downtown businesses and visitors. He added that the size of the culvert will be larger than the existing channel based on the downtown drainage study that has just been completed, which will provide improved drainage in that downtown area. He said there were two bids on the project with the lowest bid coming from Steep Creek in the amount of \$756,965.10 which was very close to the engineer's estimate. He asked the Council to approve the bid. Councilwoman Isby made a motion to adopt the Ordinance and Councilman Jones seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Cummins, Councilwoman Isby, Councilman Grimes, Councilwoman Webb, and Councilman Jones. The Ordinance passed 6-0-1 with Councilman Hawkins abstaining from the vote.

4. Ordinance approving the annexation of +- 5.00 acres located at 3040 Orchard Crest Drive, west of Orchard Hills Subdivision, Phase 3.

O-24-40

Councilman Hawkins presented Item A4 to the Council. Anne Tucker addressed the Council stating that there is a house on the 5 acres at Orchard Crest Drive and they are petitioning to be annexed into the City. Councilman Hawkins asked Mr. Henley if he planned to subdivide the property and Mr. Henley stated that there would be no sub-dividing as it is a steep hillside. There were no further questions. Councilman Jones 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, Councilman Cummins, Councilman Jones, Councilwoman Isby, Councilwoman Webb and Councilman Hawkins. The Ordinance passed 7-0.

5. Consideration to approve a conditional use permit to allow home occupation in the R-1 zoning district for property located at 2210 Nature Trail.

Councilman Hawkins presented Item A5 to the Council, adding that the Planning Commission had voted 8-0 to approve and send the request to City Council for approval with 12 conditions. Anne Tucker told the Council Ms. Remy Hodges, a licensed esthetician, is asking for a conditional use to operate her business from her home. She added that there are conditions which state that she may only have one customer at a time and parking would be in her driveway. Councilman Grimes asked if she would like to amend the first condition to allow her to be open on Mondays as well. Ms. Hodges agreed to the amendment of the condition. Councilman Grimes made a motion to amend condition #1 to allow her to operate on Mondays, and Councilman Hawkins seconded it. The motion carried 7-0. Councilman Hawkins moved to grant the conditional use permit with the amended condition and Councilman Ledbetter seconded it. A vote was called, and the motion to approve passed 7-0.

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6. Consideration to approve a conditional use permit modification to allow a mobile food vendor in the I-3 zoning district for property located at 3250 JW & Pat Brown Boulevard (Airport).

Councilman Hawkins presented Item A6 to the Council. Anne Tucker told the Council that there is no food availability at the airport and with UCA students coming in now, there is a need. Councilman Hawkins added that this was reviewed by the Planning Commission and was voted unanimously to forward to the City Council for approval. Jake Briley of the Airport told the Council that this would help them tremendously as airport patrons often ask for food to be sent out, and this would enable them to see the food service on the website and be able to plan ahead. Councilwoman Isby made a motion to approve the conditional use permit and Councilwoman Webb seconded it. The motion carried 7-0.

7. Consideration to approve a conditional use permit extension to allow multi-family density in the R2-A zoning district for property located at 2345 Matthews Meadows Lane.

Councilman Hawkins presented Item A7 to the Council stating that the Planning Commission had voted 8-0 to forward this request to the City Council with a recommendation for approval with 14 conditions. Anne Tucker told the Council that the original conditions were approved but expired in April as construction did not start in the required time period and that permit would be revoked with the approval of the new conditional use permit. She added that Mark Paladino owns the property and is planning to build duplexes on it. There was no further discussion. Councilwoman Isby made a motion to approve the conditional use permit and Councilman Jones seconded it. The motion to approve carried 7-0.

8. Consideration to approve a conditional use permit modification to allow Retail-General in the O-1 zoning district for property located at 2555 Prince Street.

Councilman Hawkins presented Item A8 to the Council, adding that the matter was reviewed by the Planning Commission and voted 8-0 to forward to City Council with a recommendation for approval with 15 conditions. Anne Tucker told the Council that this property is located between the trail at Pompe Park and Shadrach's Coffee and they are asking for approval for an eat place with a drive through. She added that the plan was for a Starbucks Coffee Shop to go there. She told the Council that someone from Adamsbrook opposed the modification, but the applicant agreed to a 30' buffer and an 8' privacy fence at the back of the property which appeased the neighbors. She added that Shadrach's refused to allow joint access. There was discussion among the Council regarding the configuration of joint access on the property. Ms. Tucker added that there is a small curb cut on the property and that an access would have to be figured out during development review. She said that Shadrach's would be willing to share that access with any other type of business other than a coffee shop. There was some discussion as to how Shadrach's could refuse access considering the City's requirement for cross-access. Ms. Tucker explained that there is a difference between cross-access and joint access. She confirmed that in this case, it would be joint access with both businesses using the same entry. Councilman Hawkins inquired about operating hours since another rezoning of the property was denied due to a 24-hour operation model. Ms. Tucker confirmed that the Starbucks model was not 24-hour operation. Eddie Bailey, the applicant, addressed the Council stating that the hours of operation for the Starbucks in question are 5:00am – 8:30 pm M-S, and 5:30am – 8:30pm on Sundays. There was some discussion about the portion of the property that is in a flood plain, but it was confirmed that the building is 100% clear of the flood plain. There was some discussion about adding an additional condition that the restaurant would close by 9pm every night. Tony Pavan, owner of Shadrach's Coffee franchise in Conway told the Council that their closing hour was 9:00pm every night, and to his knowledge there was no condition imposed to regulate their operating hours. Councilman Hawkins made a motion to add a condition to the permit that Starbucks would close no later than 9:00 pm. The motion was seconded by Councilman Grimes. A vote was called, and the motion carried 7-0. Mr. Pavan had a question regarding the expiration of the conditional use permit since Starbucks in their lease agreements reserves the right to "go dark" if conditions warrant. Ms. Tucker said that the expiration was 18 months but that the Planning Commission extended it to 24 months. Mayor Castleberry called the Council's attention to the original request and asked for any further questions. Councilman Grimes referenced the ingress/egress noted on the site plan and asked Ms. Tucker if that was going to be allowed with the conditional use permit. She said that there was likely not going to be access allowed from Prince Street. She added that there is a small curb cut there but the issue can't be addressed until it is determined if the

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use will be allowed. She said the issue would be resolved during the development review process, but it was agreed that there probably would not be enough room for an access there. Councilwoman Isby made a motion to approve the conditional use permit with the 16 conditions as stated and Councilman Jones seconded it. A vote was called with Councilwoman Isby, Councilman Jones, Councilwoman Webb, and Councilman Hawkins voting “Yes”; and Councilman Ledbetter, Councilman Cummins, Councilman Grimes, and Mayor Castleberry voting “No”. The motion to approve failed 4-4 for lack of a majority.

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

1. Resolution to approve entering into an agreement for heavy duty equipment purchases for the Sanitation Department.

R-24-30

Mayor Castleberry presented Item B1 to the Council. Mason Goheen addressed the Council stating that the agreement covered three collection vehicles, a rolloff truck for commercial collections, and a rear-load truck for residential collections, and an automated side-loader for residential collections, in the amount of \$883,699.83. He added that the 2024 budget included funding for these purchases. He said there were three quotes received for each type of collection vehicle, with the lowest bid selected for each. He asked Council for approval to purchase the vehicles through Sourcewell. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Webb seconded it. A vote was called, and the Resolution passed 7-0.

2. Resolution approving the City to use the cooperative purchase agreement for audio/visual and camera equipment for the Conway Community Center project.

R-24-31

Mayor Castleberry presented Item B2 to the Council. Sean Canady told the Council that this is an IT purchase for the new Community Center and asked them to approve the purchases in the amounts of \$173,387.00 and \$262,861.00. Councilwoman Isby made a motion to adopt the Resolution and Councilman Ledbetter seconded it. A vote was called, and the Resolution passed 7-0.

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

1. Ordinance creating a position for a 911 Communications Director for the Communications Emergency Operations Center.

O-24-41

Mayor Castleberry presented Item C1 to the Council stating that due to new requirements by the state, the city will partner with Faulkner County for 911 services. He added that as part of the process the City must hire a Director to meet state mandates moving forward. He said that the County would receive the 911 funds and they would be forwarded to the City. He told them that there would be a 5–6-person board that the Director would answer to. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Webb seconded it. There was no further discussion. The Clerk called the roll with the following voting “Aye”: Councilwoman Isby, Councilman Jones, Councilwoman Webb, Councilman Cummins, Councilman Hawkins, Councilman Grimes, and Councilman Ledbetter. The Ordinance passed 7-0.

2. Ordinance authorizing a personnel addition within the Conway Police Department.

O-24-42

Mayor Castleberry presented Item C2 to the Council. Chief Harris told the Council that this position was needed due to the large number of cases. The position of Victim Service Coordinator would be an advocate for the victims, helping get them through the process and helping them get access to community resources. Councilmembers expressed their support of the creation of this position. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilman Hawkins seconded it. The Clerk called the roll with the following voting “Aye”: Councilwoman Webb, Councilman Ledbetter, Councilman

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Hawkins, Councilwoman Isby, Councilman Cummins, Councilman Jones, and Councilman Grimes. The Ordinance with the emergency clause passed 7-0.

D. New Business

1. Consideration to change the upcoming City Council Meeting Schedule.

Mayor Castleberry asked the Council for approval to move to the summer schedule for City Council meetings. He said that the meetings would occur on the fourth Tuesdays of June, July and August. Councilman Ledbetter moved to approve the schedule change and Councilwoman Isby seconded it. A vote was called, and the motion carried 7-0.

Adjournment-----

PASSED this 28th day of May 2024

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett