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## MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday, 6:00 pm  
August 8, 2023

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

**Call to Order: Mayor Bart Castleberry**

**Roll Call: Michael Garrett, City Clerk**

**Minutes: July 11<sup>th</sup>, 2023, July 25<sup>th</sup>, 2023, Special 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**

Tyler Winningham presented the monthly financial report for the month ending June 30, 2023. He reported that sales tax revenue this month was the best this year at 11.5% over the same month last year. He added that through June of this year compared to June last year we have collected \$720,000 more in sales tax. He said that year-to-date we are up about 5.7%. He told them that the City is tracking very well on revenues and the expenditures are staying very conservative and under budget. He called their attention to the balance sheet explaining that cash balance represents about 40% of what the operating budget expenditures are, adding that cash-on-hand is showing strong with about a 5 month reserve. He went over the department fund balances stating that overall, through June the City is in good shape financially. There was some discussion regarding interest rates and how they affect the budget and revenues for the City. Councilwoman Isby made a motion to approve the monthly financial report and Councilwoman Mehl seconded it. The motion carried 7-0.

### **Report of Standing Committees:**

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

##### **1. Consideration to approve waiving all three readings for the ordinances on the August 8<sup>th</sup>, 2023 City Council agenda.**

Councilman Hawkins presented Item A1 to the Council. Councilwoman Isby made a motion to approve, and Councilwoman Mehl seconded it. A vote was called, and the motion carried 7-0.

##### **2. Consideration to approve the request to waive the 12 month waiting period for the resubmittal of a rezoning request for property located East of the Spencer Lake Drive and Padgett Road intersections.**

Councilman Hawkins presented Item A2 to the Council. Kris Paxton explained to the Council that at the July 11 meeting of the City Council the appeal to Planning Commission's denial for rezoning was denied. He added that the zoning code prohibits a re-application within one year of the final denial action unless authorized by the City Council by a 2/3 vote. He said that staff recommends approval of the request. Councilwoman Webb expressed the concerned that the approval to waive the waiting period would set a precedent for future requests. Mr. Paxton told the Council that he and his staff could not find an incident in the recent past where a request of this nature was denied. He explained that the reasoning behind the rule is to prevent an applicant from re-applying repeatedly. He confirmed that the applicant would be required to go back through the complete process of application for re-zoning. Councilwoman Webb pointed out that there has been considerable negative response to this request. Councilwoman Tucker made the point that something will eventually be approved for that location,

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and she felt that and R-1 zoning was reasonable. Councilwoman Mehl reminded the Council that they were only being asked to approve a waiver of the 12 month waiting period for re-application. There was discussion among the Councilmembers about the possible use of the property and the requested zoning. Councilwoman Isby made a motion to approve the request to waive the 12 month waiting period for resubmittal by the applicant and Councilwoman Tucker seconded it. A vote was called, and the motion failed 4-3.

**3. Resolutions requesting the Faulkner County Tax Collector place a lien on various locations for expenses incurred by the City.**

Councilman Hawkins presented Item A3 to the Council.

**R-23-36 7 Azalea Loop in the amount of \$146.89**

There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**R-23-37 3980 Ledbetter Dr. in the amount of \$146.89**

There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**R-23-38 1607 Jones Dr. in the amount of \$180.89**

There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**R-23-39 3990 Ledbetter Dr. in the amount of \$181.54**

There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**4. Resolution to approve a corporate ground lease with MVW Partnership at the Conway Regional Airport.**

**R-23-40**

Councilman Hawkins presented Item A4 to the Council. Tim Huey of the Conway Regional Airport addressed the Council stating that this ground lease was for the purpose of constructing an aircraft hangar on City owned property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**5. Ordinance accepting and appropriating grant funds from the FAA for the runway rehab project for the Conway Regional Airport.**

**O-23-56**

Councilman Hawkins presented Item A5 to the Council. Mr. Huey confirmed to the Council that these funds would be used to clean up, re-stripe, etc. in order to meet the FAA regulations. Councilwoman Mehl made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The motion carried 7-0. The Clerk called the roll with the following voting "Aye": Councilman Jones, Councilman Hawkins, Councilwoman Mehl, Councilwoman Tucker, Councilwoman Webb, Councilwoman Isby, and Councilman Ledbetter. The Ordinance passed 7-0.

**6. Resolution to approve the partnership with the Arkansas Department of Transportation for widening Hwy 286 from Thomas G. Wilson to East German Lane.**

**R-23-41**

Councilman Hawkins presented Item A6 to the Council. Kurt Jones of the Conway Transportation Department addressed the Council explaining the scope of the project. He said that this Resolution would commit the City to approximately 2 million dollars in cost share for the project. He added that the current date scheduled is January of 2025. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

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**7. Ordinance appropriating funds for the relocation of a sewer line for the Hogan Road and Hwy 64 Intersection Improvement Project.**

**O-23-57**

Councilman Hawkins presented Item A7 to the Council. Kurt Jones told the Council that this another project in partnership with the Highway Department and is the construction of a roundabout at the intersection of Hwy 64 and Hogan. He told them that the landfill has a pressure sewer line that connects to the sewer on Hogan. He added that Conway Corp and the Highway Department have been working on the location of this line, and they have gotten the plans bid and are ready to go to construction. He said that this Resolution covers the cost of the relocation of the line which is the service line for the Sanitation Department. He said that when the relocation is complete in November, the construction of the Roundabout would begin which is scheduled for January 2024. Mayor Castleberry stated that historically and moving forward the City would not be paying for relocating water and sewer lines. He said that because this line serves only the City, he asked that it be brought before City Council. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman Mehl seconded it. The motion carried 7-0. The Clerk called the roll with the following voting "Aye": Councilman Jones, Councilwoman Mehl, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Webb, Councilwoman Isby, and Councilman Hawkins. The Ordinance with the emergency clause passed 7-0.

**8. Ordinance amending Ordinance O-15-133 for the purpose of adding to and correcting the legal description of the property zoned at S. Amity Road and North of Dave Ward Drive/AR Hwy 286 from I-1, I-3, and A-1 to C-3.**

**O-23-58**

Councilman Hawkins presented Item A8 to the Council. Kris Paxton addressed the Council saying the original Ordinance had an incomplete legal description of the area. He said that this Ordinance correction would combine the section of legal description that was mistakenly excluded from the original Ordinance with what was actually rezoned. Councilwoman Isby made a motion to adopt the Ordinance to make the correction and Councilwoman Mehl seconded it. The motion carried 7-0. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, Councilwoman Isby, Councilwoman Webb and Councilwoman Tucker. The Ordinance passed 7-0.

**9. Resolution to approve an Impact Fee Credit Agreement for Lands' End Subdivision Phase I.**

**R-23-42**

Councilman Hawkins presented Item A9 to the Council. Kris Paxton told the Council that the Agreement was brought to City Council for a first reading at the July City Council meeting. He read the terms of the Agreement to the Council. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**10. First Reading of Impact Fee Agreement for Lands' End Subdivision Phase 2.**

Councilman Hawkins presented Item A10 to the Council. Kris Paxton read the Agreement and told the Council that the Agreement would appear on the next City Council Agenda for final approval. No action was taken.

**11. First Reading of Impact Fee Agreement for Centerstone Subdivision Phase 4, Lot 8.**

Councilman Hawkins presented Item A11 to the Council. Kris Paxton read the Agreement and told the Council that the Agreement would appear on the next City Council Agenda for final approval. No action was taken.

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

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**1. Ordinance appropriating donation funds for the Conway Fire Department.**

**O-23-59**

Mayor Castleberry presented Item B1 to the Council. Chief Mike Winter told the Council that his department had received a donation of \$5,000 from Centennial Bank to purchase fire prevention materials and asked them to approve the appropriation of the funds. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The motion carried 7-0. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilwoman Webb, Councilman Hawkins, Councilwoman Tucker, Councilman Ledbetter, and Councilwoman Isby. The Ordinance passed 7-0.

**Adjournment-----**

*PASSED this 8<sup>th</sup> day of August 2023*

**APPROVED:**

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***Mayor Bart Castleberry***

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***City Clerk Michael O. Garrett***