
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
August 24, 2021

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 Pruitt, Councilwoman Mehl, Councilman Ledbetter, Councilwoman Smith, Councilman Jones, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Attorney Charles Finkenbinder, City Clerk Michael Garrett.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael O. Garrett, City Clerk

Minutes: July 27, 2021

Councilwoman Isby motioned to approve the **July 27, 2021** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Monthly Financial Report ending July 31, 2021

Tyler Winningham, Chief Financial Officer addressed the Council stating that the sales tax was good-up 14.5% year to date over last year and the General Fund had another strong month. He added that permit revenue was at 94% already this year. He said that expenditures remain in check and the Street and Sanitation funds are doing well. He said that the Airport is running a net deficit at the end of July, and challenged them to think about Airport funding going forward. Councilwoman Smith made a motion to approve the monthly financials and Councilwoman Isby seconded it. The motion to approve carried 8-0.

Report of Standing Committees:

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

1. Resolution to approve the bid for constructions of the airport maintenance hangar.

R-21-69

Mayor Castleberry presented Item A1 to the Council. Jack Bell addressed the Council introducing the Resolution before them. He said that this is another step in the process for this project and would award the low bid for the construction to Wills Construction, LLC in the amount of \$920,000 and asked them to accept the bid. Councilwoman Smith moved to adopt the Resolution and Councilman Ledbetter seconded it. A vote was called for and the Resolution passed 8-0.

2. Resolution setting a public hearing to discuss the closing of a portion of a utility easement in the crossing at Audubon Subdivision.

R-21-70

Mayor Castleberry presented Item A2 to the Council. James Walden told the Council that this request was submitted by Mr. Adkisson and is the first step in the process. Councilwoman Smith made a motion to adopt the Resolution setting a public hearing for September 14, 2021, and Councilwoman Isby seconded it. A vote was called for and the Resolution passed 8-0.

3. Ordinance to approve the PY2021 funding for the Community Development Block Grant program.

O-21-85

Councilman Hawkins presented Item A3 to the Council. Shawanna Rodgers addressed the Council stating that this Ordinance is to approve funding for 2021 for CDBG in the amount of \$488,416. She added that the biggest difference is the rental and utility assistance, which was one of the priorities of the

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comprehensive plan. She said that they had received a mega-waiver from HUD to make the assistance program possible and asked that the Council approve the 2021 funding. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby 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": Councilman Grimes, Councilman Pruitt, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Smith, and Councilman Hawkins. The Ordinance passed 8-0.

4. Request to approve the nomination of Adam Bell for the Conway Planning Commission.

Mayor Castleberry presented Item A4 to the Council. Councilwoman Smith made a motion to approve the nomination and Councilwoman Isby seconded it. The motion to approve carried 8-0.

5. Consideration to approve the impact fee credit agreement for Conrad Court Subdivision.

Mayor Castleberry presented Item A5 to the Council. James Walden told the Council that this matter was brought before the Council in June for a first reading. He explained that when a builder constructs a street above standard, they are entitled to get credit for impact fees, which are paid by anyone who builds a house to go toward city-wide improvements. He added that the estimates for this project were reviewed by the Transportation Department and were approved. Councilwoman Smith made a motion for approval and Councilwoman Isby seconded it. The motion to approve carried 8-0.

6. Ordinance requesting to annex property located at 21 Mill Pond Road to be zoned A-1.

O-21-86

Mayor Castleberry presented Item A6 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilman Hawkins seconded it. The motion carried 8-0. 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 Jones, Councilman Pruitt, Councilman Hawkins, Councilwoman Smith, and Councilwoman Mehl. The Ordinance passed 8-0.

7. Ordinance requesting to rezone property located at 640 & 680 Hogan Lane from O-2 to C-2.

O-21-87

Mayor Castleberry presented Item A7 to the Council. James Walden told the Council that this item and the next are connected. He said the individual wants to construct an indoor storage facility. The Planning Commission did not oppose the proposition and the applicant was in agreement with the conditions set forth. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. 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 Hawkins, Councilman Pruitt, Councilman Jones, Councilwoman Isby. The Ordinance passed 8-0.

8. Consideration to approve the request for conditional use permit to allow a storage facility in the C-2 zoning district for property located at 640 & 680 Hogan Lane.

Mayor Castleberry presented Item A8 to the Council. James Walden told the Council that this is the conditional use permit to allow the storage facility in the C-2 zoning, which is the most restrictive for that occupation. Councilwoman Smith moved to approve the conditional use permit and Councilwoman Isby seconded it. The motion to approve carried 8-0.

9. Ordinance to amend the Conway Zoning Code concerning Short Term Rentals for Transient Occupation.

Mayor Castleberry presented Item A9 to the Council. James Walden told the Council that the City was approached by a group of residents in the community about an Airbnb in their neighborhood. He said that this is an issue that cities across the nation are working to address. He added that this amendment to the

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zoning code is the least restrictive way to go about regulating these short-term rentals, to see if it will address the issues being brought forth. He said the major feature of the regulation would be requiring annual licenses, including inspections and proof of insurance. He added that an important piece would be that the property would be required to have a property representative on file, to handle any issues that might arise at the location. Councilman Hawkins asked if the properties would be required to pay sales taxes. Mr. Walden replied that the owners would be required to obtain an A&P Permit as part of the regulation process. Councilman Grimes made a motion to waive the three readings and Councilman Pruitt seconded it. The motion carried 8-0. Councilman Grimes made a motion to table this item until the next Council meeting and Councilwoman Mehl seconded it. The motion to table this item carried 8-0.

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

- 1. Resolution authorizing the Mayor to enter into an independent contractor agreement for the watering of the hanging flower baskets throughout downtown Conway.**

R-21-71

Mayor Castleberry presented Item B1 to the Council. Spencer Clawson addressed the Council stating that at the present time Physical Plant maintains the hanging flower baskets, but Will Canady who has been doing the watering has retired. He said they wanted to bring him back as an independent contractor to allow him to continue this service at \$710 a week. Councilman Hawkins moved to adopt the Resolution and Councilman Pruitt seconded it. A vote was called for and the Resolution passed 8-0.

- 2. Ordinance to appropriate funds and approve the bid for construction of Stone Dam Creek Trail from Mimosa to Donaghey Avenue for Parks & Recreation.**

O-21-88

Mayor Castleberry presented Item B2 to the Council. Steve Ibbotson, Director of Parks & Recreation addressed the Council. He clarified that the Department of Transportation would be handling the construction specifications for this project. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby 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": Councilman Pruitt, Councilwoman Mehl, Councilman Grimes, Councilman Hawkins, Councilman Ledbetter, Councilwoman Smith, Councilman Jones, and Councilwoman Isby. The Ordinance passed 8-0.

- 3. Resolution to approve the bid for construction of an additional pavilion at Fifth Avenue Park.**

R-21-72

Mayor Castleberry presented Item B3 to the Council. Steve Ibbotson asked the Council to approve the bid from Hahn Enterprises in the amount of \$ 61,887.04 which is not the low bid. He said that the low bidder could not deliver within the time frame necessary. Councilwoman Smith moved to adopt the Resolution and Councilwoman Isby seconded it. A vote was called for and the Resolution passed 8-0.

- 4. Resolution authorizing the Mayor to enter into a real estate contract to acquire property located at 450 Corporate Drive for the future Aquatic Parks & Recreation Facilities.**

This item was tabled until a further date.

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. Resolution authorizing the Mayor to enter into an agreement to acquire property located at 1203 N. Museum Road for the relocation of District Court.**

This item was tabled until a further date.

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2. Ordinance to appropriate funds for fire safety promotional products for the Fire Department.

O-21-89

Mayor Castleberry presented Item C2 to the Council. Chief Winter addressed the Council stating that the Fire Department has received a check for \$5,000 from Centennial Bank to purchase Fire Safety Materials and asked the Council to approve the appropriation. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby 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": Councilman Hawkins, Councilman Pruitt, Councilwoman Smith, Councilwoman Mehl, Councilwoman Isby, Councilman Jones, Councilman Grimes, and Councilman Ledbetter. The Ordinance passed 8-0.

3. Consideration to approve the disposal of seized assets for the Police Department.

Mayor Castleberry presented Item C3 to the Council. Chief Tapley addressed the Council and asked them to approve the disposition of seized items. Councilwoman Isby made a motion to approve the consideration and Councilwoman Smith seconded it. The motion carried 8-0.

4. Ordinance appropriating reimbursement funds for the Police Department.

O-21-90

Mayor Castleberry presented Item C4 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. 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 Hawkins, Councilman Ledbetter, Councilwoman Smith, Councilman Pruitt. The Ordinance passed 8-0.

Adjournment-----

PASSED this 24th day of August 2021

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett