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

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Conway, Arkansas  
Tuesday, 6:00 pm  
August 27, 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 Councilwoman Mehl, 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, and Councilman Hawkins were absent.

**Call to Order: Mayor Bart Castleberry**

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

**Minutes: July 23<sup>rd</sup>, 2024, City Council Meeting**

Councilwoman Isby made a motion to approve the minutes as submitted and Councilwoman Mehl seconded it. The motion carried 6-0.

**Monthly Financial Report ending July 31<sup>st</sup>, 2024.**

Tyler Winningham addressed the Council stating that sales tax for July was down 3%, which was due to building contractors claiming rebates for almost \$100,000 and was not indicative of the economy. He told them that the City had received the first month's LOPFI credit with our total this year being \$1.7 million, which means we would exceed the budget by around \$300,000. He said that franchise fees that were not received in time last month were reflected now. He summarized by saying that the bottom line looked much better this month than last. He added that the Street Fund saw some large expenditures due to overlays during the month of July. He called their attention to a large payment to ARDOT for the roundabout at Hogan and Hwy 64. Councilwoman Isby made a motion to approve the monthly financials and Councilwoman Mehl seconded it. The motion carried 6-0.

**Report of Standing Committees:**

**A. Public Hearing**

**1. Public hearing to discuss the application for the Outdoor Recreation Grant for Conway Station Park Playground project for the Parks and Recreation Department.**

Mayor Castleberry opened the public hearing for comment. Andrew Thames from the Parks & Recreation Department told the Council that this is a matching grant at 50/50 and said that they are asking for \$200,000 now and would receive \$100,000 back. He said the playground would be located at Conway Station Park outside of the gated confines of the fields so it will be accessible to the community until 6:00 pm when the park closes. There was no one else to speak for or against the matter. Mayor Castleberry declared the public hearing closed.

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

**1. Consideration to approve waiving all three readings for the ordinances on the August 27<sup>th</sup>, 2024 City Council agenda.**

Mayor Castleberry presented Item B1 to the Council. Councilwoman Isby made a motion to approve waiving the three readings and Councilwoman Mehl seconded it. A vote was called, and the motion carried 6-0.

**2. Resolution requesting the Faulkner County Tax Collector place a lien on various properties for expenses incurred by the City.**

R-24-36      2215 Cedar Oak Dr      \$148.97

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Mayor Castleberry read this item to the Council. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded the motion. A vote was called, and the motion carried 6-0.

**R-24-37      26 Brierwood Circle      \$148.97**

Mayor Castleberry read this item to the Council. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded the motion. A vote was called, and the motion carried 6-0.

**R-24-38      18 ½ Woodlawn Dr      \$178.48**

Mayor Castleberry read this item to the Council. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded the motion. A vote was called, and the motion carried 6-0.

**R-24-39      6 Sycamore Dr      \$257.08**

Mayor Castleberry read this item to the Council. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded the motion. A vote was called, and the motion carried 6-0.

**R-24-40      6 Eve Lane      \$988.35**

Mayor Castleberry read this item to the Council. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded the motion. A vote was called, and the motion carried 6-0.

**3. Resolution to approve the application submission for the Federal Aviation Administration Grant for Runway 4-22 Extension Project for the Conway Airport.**

**R-24-41**

Mayor Castleberry presented Item B3 to the Council. Jake Briley told the Council that this is for the service fees for preliminary work such as environmental studies, plans, etc. and that the project would be done next year. He added that the project would increase the runway and would save on insurance costs as well. He said that funds for the grant would be paid by the City and reimbursed by the State at the end of the project. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the motion carried 6-0.

**4. Resolution to approve the application submission for the Urban and Community Forestry Grant for the City of Conway (Tree Board).**

**R-24-42**

Mayor Castleberry presented Item B4 to the Council. Ryan Robeson of the Planning & Development Department told the Council that they were requesting up to \$250,000 for the zero-matching grant. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the motion carried 6-0.

**5. Resolution to approve the application submission for the Federal Aid Surface Transportation Block Grant for the Salem Road Bridge Project for the Transportation Department.**

**R-24-43**

Mayor Castleberry presented Item B5 to the Council. Kurt Jones told the Council that the City has received around \$3.75 million in grant funding for this project through this program. He said that Metroplan has recently raised the limit of what could be applied for to \$4 million so they were going back to ask for an additional \$250,000. He added that the total cost for the project is just over \$9 million. He said that this Resolution would allow the application for the additional funds. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the motion carried 6-0.

**6. Resolution to approve the application submission for the Federal Aid Surface Transportation Block Grant for the Connect Conway Project for the Transportation Department.**

**R-24-44**

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Mayor Castleberry presented Item B5 to the Council. Kurt Jones told the Council that they are applying for a \$1 million grant to help offset some increased costs anticipated for the Connect Conway Project. He said that engineering costs have gone up significantly for the project. He said this grant would pay for engineering services on the front end of this project. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the motion carried 6-0.

**7. Consideration to approve a conditional use permit to allow Mobile Food Vendors in the O-1 zone for property located at 2138 Old Morrilton Highway.**

Mayor Castleberry presented Item B5 to the Council. Anne Tucker, Planning Director told the Council that the applicant was requesting a conditional use permit in an O-1 zone, for a mobile food truck park. The property is owned by the applicant. She said they intended to construct five concrete pads, commercial dumpster, and restrooms, and parking access. She added that due to lack of availability of sewer services it is unlikely that any other development would be feasible in the location. She said the comprehensive plans calls for this area to be PUD with mixed use. Councilwoman Isby made a motion to approve the conditional use permit and Councilwoman Mehl seconded it. A vote was called and the motion to approve carried 6-0.

**8. Ordinance to approve the rezoning of property located at 1300 Padgett Road from A-1 to R-1.**

**O-24-53**

Mayor Castleberry presented Item B5 to the Council. Anne Tucker told the Council that if approved, the applicant would be able to construct up to 67 homes on the 11.6 acres in question and would be required to follow all subdivision regulations in site development review. She said the only issues that the Planning Commission had were emergency access and regulations stating that any development over 30 houses have two access points. She added that the Planning Commission voted unanimously to approve and to forward the matter to the City Council. Councilwoman Isby noted that that the rezoning would follow the natural progression from A-1 to R-1. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Jones, Councilwoman Mehl, Councilman Cummins, Councilwoman Webb, Councilwoman Isby, and Councilman Ledbetter. The Ordinance passed 6-0.

**9. Ordinance to approve the rezoning of property located at 800 S Donaghey Avenue from S-1 to C-3.**

**O-24-54**

Mayor Castleberry presented Item B5 to the Council. Anne Tucker told the Council that the Peace Lutheran Church was requesting that the southeastern corner of their property at Dave Ward and Donaghey be rezoned to C-3. She said that the applicant intended to sub-divide into two or possibly three lots, to sell. She listed the additional requirements and allowances for property if zoned C-3. She added that the comprehensive plan calls for multi-family development in this area, but there had been other commercial development at that intersection, so the plan has already been overridden. She said that there are duplexes on the south side and that is the only residential that borders this property. Pastor Tom Beck of Peace Lutheran addressed the Council stating that his congregation seeks to grow their service to the people of Conway and that was the motivation behind the request for this rezoning. He explained that they would retain their current building but wanted to sell the corner 1.5-acre lot to a restaurant developer, that intended to build two small restaurants on that site. He added that they are issuing a request for proposals from various hotel developers to develop an 80+ room hotel on the 1.3-acre lot to the east. He provided a diagram to illustrate their plan. He said that the proposed plan was best served by a C-3 zoning as approved by the Planning Commission and recommended by staff. He said that the proposal does not include any additional curb cuts on Donaghey but proposed to move the Dave Ward curb cut further away from the intersection, requiring all the lots to use one central drive on an easement. Councilwoman Isby questioned the curb cut shown on the plan and raised a discussion as to what curbs cuts would actually be allowed. Ryan Robeson explained to the Council the Dave Ward Access Management Plan which requires 300 feet between curb cuts. He said that if certain requirements were made it would be determined in site development review if additional curb cuts were possible. There was discussion among the Council about traffic flow in and out of the property and future widening of Donaghey. Phillip Griffin with Woodland Springs Property Owners Association spoke against the rezoning, expressing concerns about traffic flow at the intersection and how it would be increased if the rezoning and this type of development were allowed. Anne Tucker pointed out that all of the proposed uses are allowed with a conditional use permit in the R-1

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zoning, so if the property was re-platted and sold, each lot could request a conditional use permit individually. Councilman Cummins suggested the possibility of tabling the matter until a more favorable solution for the traffic concerns was found. Councilman Jones made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll and the motion to adopt the Ordinance failed unanimously, 6-0.

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

- 1. Resolution to approve the application submission for the Outdoor Recreation Grant for Conway Station Park Playground Project for the Parks & Recreation Department.**

**R-24-45**

Mayor Castleberry presented Item C1 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 6-0.

### **D. 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 to approve the application submission for the Public Safety Equipment Grant Program for the Conway Police Department.**

**R-24-46**

Mayor Castleberry presented Item D1 to the Council. Robbie Alberson told the Council that this is an annual unmatched equipment grant in the amount of \$40,000 which will be used for the purchase of two unmanned aircraft systems. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 6-0.

- 2. Ordinance appropriating funds for vehicle maintenance for the Conway Fire Department.**

**O-24-55**

Mayor Castleberry presented Item D2 to the Council. Chief Winter told the Council that the Department had exhausted funds for vehicle maintenance. He asked for appropriation of \$140,000 for their vehicle maintenance fund. Councilman Ledbetter made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, Councilwoman Isby, Councilwoman Webb, and Councilman Cummins. The Ordinance passed 6-0.

- 3. Ordinance appropriating funds for the purchase of mini condenser splits for the Conway Animal Welfare Unit.**

**O-24-56**

Mayor Castleberry presented Item D3 to the Council. David Mitchell, Director of Animal Welfare told the Council the Department was asking to appropriate \$81,024.15 for this purchase for the dog kennels. Councilwoman Mehl made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilwoman Webb, Councilman Cummins, Councilman Ledbetter, and Councilwoman Isby. The Ordinance passed 6-0.

- 4. Ordinance appropriating funds for the purchase of Rabies vaccines for the Conway Animal Welfare Unit.**

**O-24-57**

Mayor Castleberry presented Item D4 to the Council. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilwoman Mehl, Councilwoman Webb, Councilwoman Isby, Councilman Cummins, and Councilwoman Isby. The Ordinance passed 6-0.

- 5. Ordinance to approve the amendment of the Conway Municipal Code for two-hour parking for the City of Conway.**

**O-24-58**

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Mayor Castleberry presented Item D5 to the Council stating that there is a restaurant in the downtown area that is blocking off public parking spaces. He added that there have been complaints, and that the restaurant has been notified a number of times. City Attorney Finkenbinder read to the Council the amendment which increases fines to \$250 for the first offense and \$500 for any subsequent offenses. He said the goal is to prevent any one person or business from reserving public parking places. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Cummins, Councilwoman Isby, Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, and Councilwoman Webb. The Ordinance with the emergency clause passed 6-0.

**Adjournment-----**

*PASSED this 27<sup>th</sup> day of August 2024*

**APPROVED:**

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***Mayor Bart Castleberry***

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