
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:00 pm
September 12, 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, Councilman Grimes, Councilman Jones, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett, and City Attorney Charles Finkenbinder. Councilwoman Webb was absent.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael Garrett, City Clerk

Minutes: August 8th, 2023, City Council Meeting

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

Report of Standing Committees:

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

- 1. Resolution expressing the willingness of the City of Conway, in partnership with Conway Corporation, to apply for Economic Development Administration funds for offsite water improvements to facilitate the development of the South Conway Industrial Site.**

R-23-43

Mayor Castleberry presented Item A1 to the Council. Brett McDaniel addressed the Council stating that this Resolution allows the City and Conway Corporation to work together to apply for grant money as required for Westrock Coffee. Councilman Hawkins made a motion to adopt the Resolution and Councilman Jones seconded it. A vote was called, and the Resolution passed 7-0.

- 2. Resolution expressing the intent of the City of Conway for the issuance of bonds to assist in financing the acquisition, construction, and equipping of an industrial facility for Westrock Beverage Company, LLC.**

R-23-44

Mayor Castleberry presented Item A2 to the Council. Gordon Wilbourn addressed the Council reminding them of bonds that were issued in 2021 and said that the Westrock Beverage project has expanded. He told them that this Resolution increases the amount of that bond issue of 160 million dollars, to 300 Million. Councilman Grimes confirmed that these are not bonds that the City would be responsible to repay and Mr. Wilbourn said that was correct. Councilman Hawkins made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

- 3. Resolution expressing the intent of the City of Conway for the issuance of bonds to assist in financing and refinancing of the acquisitions, renovation, rehabilitation, and equipping of any industrial facility for Westrock Beverage Company, LLC.**

R-23-45

Mayor Castleberry presented Item A3 to the Council. Mr. Wilbourn told the Council that this Resolution was for the new project, a Distribution Facility, of 75 million dollars. He added that this was a Resolution of intent, and an Ordinance would be forthcoming. 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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B. 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 September 12th, 2023 City Council agenda.

Councilman Hawkins presented Item A1 to the Council and motioned to approve. Councilwoman Isby seconded the motion. A vote was called, and the consideration to approve passed 7-0.

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

Councilman Hawkins presented Item A2 to the Council and read the addresses and amounts of lien to be placed on each property.

R-23-46 26 Brierwood Circle in the amount of \$147.89

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-23-47 602 5th Street in the amount of \$147.89

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-23-48 2620 Donaghey Ave in the amount of \$218.06

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.

3. Ordinance to approve the private club permit for Impact Golf, Inc. located at 5150 John W Allison Rd, Suite B.

O-23-60

Councilman Hawkins presented Item A3 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 Tucker, Councilman Hawkins, Councilwoman Isby, Councilwoman Mehl, Councilman Grimes, and Councilman Jones. The Ordinance passed 7-0.

4. Ordinance appropriating insurance proceeds received from Progressive Insurance for the Conway Airport.

O-23-61

Councilman Hawkins presented Item A4 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, Councilman Grimes, Councilwoman Tucker, Councilman Jones, Councilwoman Isby, and Councilman Hawkins. The Ordinance passed 7-0.

5. Ordinance appropriating funds in the amount of \$3,000 from the Arkansas Community Foundation to the City of Conway.

O-23-62

Councilman Hawkins presented Item A5 to the Council. Councilman Grimes asked if there was room to store the cots at the facility. Felicia Rogers told the Council that the cots would be stored at The Don Owens Sports Complex and The McGee Center. 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, Councilwoman Mehl, Councilman Jones, Councilwoman Tucker, Councilman Hawkins, Councilman Grimes, and Councilman Ledbetter. The Ordinance passed 7-0.

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6. Ordinance amending the recommendations for the operations of boards and commissions.

O-23-63

Councilman Hawkins presented Item A6 to the Council. Councilwoman Mehl made a motion to adopt the Ordinance and Councilwoman Isby seconded it. Kris Paxton told the Council that the City has 15 boards and commissions which were formed using various processes. He said that the goal for this Ordinance is to take the existing ordinances and resolutions for the boards and commission and combine state and federal requirements, best practices, and varying processes, and simplify into one Ordinance that would allow all boards, committees, and commissions to share similar minimal standards. Councilwoman Mehl asked if there was anything in the Ordinance that stated which department was the primary point of contact for each board and commission. He stated that each board and commission would be assigned an appointed staff member. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Hawkins, Councilwoman Isby, Councilwoman Mehl, Councilwoman Tucker, Councilman Jones, and Councilman Grimes. The Ordinance passed 7-0.

7. Resolution authorizing the Mayor to enter into an impact fee agreement for Centerstone Lot 8 and Moix Meadows Lot 8.

R-23-49

Councilman Hawkins presented Item A7 to the Council. Kris Paxton told the Council that the impact fee agreement was brought to the City Council for the first reading at the August City Council meeting. He said the developer is requesting a credit total of \$75,000, the appraised value of the dedicated land. Councilwoman Isby made a motion for the adoption of the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

8. Resolution authorizing the Mayor to enter into an impact fee agreement for Lands End Subdivision Phase II.

R-23-50

Councilman Hawkins presented Item A8 to the Council. Kris Paxton told the Council the impact fee agreement was brought to the City Council for the first reading at the August City Council meeting. He said the street work on Tyler Street is a major roadway system improvement and based on the submitted documentation the developer is requesting a credit in the amount of \$207,038.81 for Phase II. Councilwoman Isby made a motion for the adoption of the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

9. Consideration to approve a conditional use permit for Braum's' location with a drive-through for property located at 2505 & 2515 Prince Street and 963 Farris Road.

Councilman Hawkins presented Item A9 to the Council. Kris Paxton addressed the Council stating that the property is currently zoned O-1. He said that staff recommended approval of the conditional use permit with the 13 conditions. He read key points of the conditions as recommended. Councilwoman Isby made a motion to approve the conditional use permit with the 13 conditions as listed and Councilwoman Mehl seconded it. There was no comment from the public. Frank Shaw addressed the Council and introduced the representatives of Braum's. Councilman Grimes expressed concern about north bound traffic on Farris Road turning left and asked if it were possible to add a turn lane to alleviate congestion. Mr. Paxton replied that the matter is still in the site development review stage, and he would bring up the question with the city engineer. A vote was called, and the conditional use permit was approved 7-0.

10. Consideration to approve a conditional use permit for Conway Ministry Center to allow for a shelter for the homeless on property located at 134 Harkrider Street.

Councilman Hawkins presented Item A9 to the Council. Kris Paxton addressed the Council stating that the property is currently zoned C-3. He added that the Center will operate 24 hours a day, seven days a week. He said that staff recommends approval of the conditional use permit with the provided 13

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conditions of approval. Councilwoman Mehl motioned to approve the conditional use permit and Councilman Jones seconded it. Spring Hunter with the Conway Ministry Center addressed the Council and thanked them for their consideration. Councilman Grimes asked for a change in wording on condition #4, requiring fencing and coded entry. He stated that he was not in favor of the City placing a fence around a homeless shelter. He said if the directors chose to fence the property, he felt that was acceptable but not for the City to require fencing. Councilman Grimes made a motion to amend the motion and Councilwoman Mehl seconded it. A vote was called, and the motion to amend was approved 7-0. Councilman Grimes motioned to approve the conditional use permit with the amendment to *allow* fencing of the property and Councilwoman Mehl seconded it. A vote was called, and the motion to approve carried 7-0.

11. Consideration to approve a major modification to the Sherman Heights PUD to allow a childcare facility use at 575 Club Lane.

Councilman Hawkins presented Item A10 to the Council. Kris Paxton told the Council the applicant has requested a PUD amendment to allow a nursery in conjunction with a preschool. He said the applicant states that the nursery falls under the childcare facility definition of the ordinance and is no longer allowed by right in the underlying O-2 zoning due to the 2014 ordinance change. Since an existing PUD is in place, it was determined that a PUD amendment would be the appropriate route to amend existing conditions. Mr. Paxton then read the history of the PUD from 2013. Shawna Holder was present and spoke against the modification to conditions of the PUD and the childcare facility. Chris Ryan addressed the Council and spoke against the matter. Brett Salter, representative of the applicant, addressed the Council stating that he had spoken with Mr. Finkenbinder and Mr. Paxton before the meeting and that there were items that needed more clarification before coming to a vote by the City Council. He said there were still questions from the meeting with the Planning Department regarding the request to modify the PUD, and he asked that the item be tabled until a later date. Councilwoman Isby made a motion to table the item and Councilwoman Mehl seconded it. Councilman Hawkins asked for clarification as to why the Council was revisiting the entire PUD when it is already in place. Mr. Paxton explained that anytime a request is made to amend a PUD it is the same as requesting to amend the zoning because the conditions of approval are attached to that zoning, so when there is a request to make a change from one zoning to another, even though it is PUD to PUD, it still provides an opportunity to have allowances for other considerations. There was discussion among the Council regarding the process of amending a PUD. Lacey Glover, applicant, addressed the Council and explained the nature and operation of her preschool that is applying for the amendment to the PUD. There was discussion among the Council as to the history of the PUD and the issue of the playground. Councilman Grimes asked why the playground was allowed when the zoning requirements for PUD were changed to disallow them. Mr. Paxton explained that the existing playground then became a non-conforming legal structure and could not be removed by vote of the City Council. Mr. Finkenbinder confirmed this statement. Mr. Salter addressed the Council and stated that based on the conversation he felt comfortable, as did the applicant, that the matter could be brought back for a vote. Gene Salter, owner of the property addressed the Council and clarified that they weren't asking for more children to be allowed at the preschool, but to reduce the age of children allowed. Since there was a motion and second to table Item 11, a vote was called and the consideration to table failed 7-0. Councilwoman Tucker made a motion to approve the modification to the PUD as requested, and Councilwoman Isby seconded the motion. A vote was called and the motion to approve passed 7-0.

12. Ordinance to rezone property located at 931 Faulkner Street from O-3 to C-1. O-23-64

Councilman Hawkins presented Item A12 to the Council. Kris Paxton told the Council that the applicant was seeking the rezoning to be more in line with the zoning of adjacent properties. He added that the comprehensive plan defines this area as a single family however non-residential zoning does exist on three sides of this parcel. He told them that staff recommended allowing the rezoning because it would not negatively impact adjacent property. He added that the Planning Commission voted 7-3 that the

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request be forwarded to the City Council for approval. He told them that a member of the public did come forward at the Historic District Commission meeting because it is stated in the HDC Standards that the HDC shall review and make recommendations to the Planning Commission on all conditional uses, rezoning and variances that affect properties within the historic district. Mr. Paxton stated that this is not consistent with State Statute. Councilwoman Isby confirmed that the meaning of the statute is that internal uses cannot be considered by the HDC. Mr. Paxton added that the HDC would review any changes to the structure or the demolition of the structure but that the matter before them was a zoning or use conversation and not a development conversation. Councilwoman Mehl asked Mr. Paxton what the difference in uses could be as C-1 as compared to O-3. Mr. Paxton replied that O-3 is the least dense or smallest use within office space zoning. He added that C-1, the highest intensity use could be for example, a drive through restaurant, but that type of development would have to go through the HDC for a certificate of appropriateness for the construction to be built. He reiterated that an O-3 zoning is very light use. Brett Salter spoke to the Council and said that at the Planning Commission meeting there was considerable opposition to this rezoning, and that since then he had met with some of the property owners, and they were willing to meet and find out what the intentions were for the property. He asked that the item be tabled until more communication could be had with the neighborhood. Councilman Jones moved to table the item and Councilwoman Mehl seconded it. Pam Rollins, a neighbor who lives next door to the property addressed the Council asking them not to allow the rezoning. A vote was called and the motion to table carried 7-0.

13. Ordinance to rezone property located at 203 Second Street from R-2 to MF-3.

Councilman Hawkins presented item A13 to the Council. Kris Paxton told the Council that the applicant was seeking rezoning in order to build a multi-unit residential structure with garages. He added that the MF-3 zoning would allow up to 6 dwelling units on the site. He said that staff recommended approval of the rezoning as it would not likely harm adjacent properties once developed. He said that the Planning Commission voted unanimously to forward the request to City Council with a recommendation for approval. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. Junior Parker addressed the Council voicing objection to the rezoning on the grounds that the rezoning to MF-3 would devalue his property which is next door to the property in question. Brett Salter told the Council he would like to table this item until he can get with Planning staff to discuss the options available. Councilwoman Tucker made a motion to table the item and Councilman Grimes seconded it. A vote was called, and the motion carried 7-0.

14. Ordinance to rezone property located at 523 Polk Street from R-2A to R-2.

O-23-64

Councilman Hawkins presented Item A14 to the Council. Kris Paxton told the Council that the applicant is seeking rezoning to construct a duplex on a vacant lot which needed the R-2 zoning because of lot width requirements. He added that staff recommended the rezoning and that the Planning Commission voted unanimously to forward to the City Council with a recommendation for approval. There was no one present to speak for or against the matter. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. Councilman Grimes reminded the Council of the original intent of the R-2A zoning in this area. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilman Grimes, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Isby, and Councilman Hawkins. The Ordinance passed 7-0.

15. Ordinance to rezone property located at 505 Polk Street from R-2A to R-2.

O-23-65

Councilman Hawkins presented Item A15 to the Council. Kris Paxton told the Council that the applicant is seeking rezoning to construct a duplex on a vacant lot which needed the R-2 zoning because of lot width requirements. He added that staff recommended the rezoning and that the Planning Commission voted unanimously to forward to the City Council with a recommendation for approval. There was no one present to speak for or against the matter. Councilwoman Isby made a motion to adopt the

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Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Hawkins, Councilwoman Tucker, Councilwoman Isby, Councilman Ledbetter, Councilman Jones, and Councilman Grimes. The Ordinance passed 7-0.

16. Ordinance to rezone property located at 2730 Allyson Lane from O-2 to O-1.

O-23-66

Councilman Hawkins presented Item A16 to the Council. Kris Paxton told the Council that the applicant was seeking to rezone in order to construct a parking lot for Pediatrics Plus. He added that staff recommends the rezoning as it is an appropriate use for the area and the comprehensive plan defines the area as office. He said that the Planning Commission voted unanimously to forward to the City Council with a recommendation for approval. Councilman Hawkins made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. David Tabb with Pediatrics Plus addressed the Council stating that the plan is to build a 56 space parking lot for employees and staff. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Ledbetter, Councilman Jones, Councilwoman Isby, Councilwoman Mehl, Councilwoman Tucker, and Councilman Grimes. The Ordinance passed 7-0.

17. Ordinance to rezone property located at 450 Corporate Drive from I-3 and PUD to S-1.

O-23-67

Councilman Hawkins presented Item A17 to the Council. Kris Paxton addressed the Council stating that S-1 was being sought to accommodate a more appropriate community center space zoning. He said that staff recommends the rezoning as it would not cause harm to adjacent properties and would compliment the surrounding properties as a civic space. He added that the Planning Commission voted unanimously to forward to the City Council with a recommendation for approval. Brad Peterson of Crafton-Tull was present to answer any question about the use of the property. There was no one to speak for or against the matter. 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 Tucker, Councilman Grimes, Councilman Jones, Councilman Hawkins, Councilwoman Isby, Councilman Ledbetter, and Councilwoman Mehl. The Ordinance passed 7-0.

Mayor Castleberry announced that groundbreaking for the new Community Center would be held on September 26th at 4:30 pm.

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

1. Ordinance appropriating donation funds received from Walmart to the Conway Fire Department.

O-23-68

Mayor Castleberry presented Item C1 to the Council. Chief Winter told the Council that his department has \$2, 252 to purchase a smart board for the training room. 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 Hawkins, Councilman Ledbetter, Councilman Grimes, Councilwoman Tucker, Councilwoman Isby, and Councilwoman Mehl. The Ordinance passed 7-0.

2. Ordinance appropriating insurance proceeds for the Conway Fire Department.

O-23-69

Mayor Castleberry presented item C2 to the Council. Chief Winter asked the Council to approve the appropriation of \$7,136 in insurance proceeds to repair one of their units. Councilman Jones made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Ledbetter, Councilman Grimes, Councilwoman Isby, Councilwoman Tucker, Councilman Hawkins, and Councilman Jones. The Ordinance passed 7-0.

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D. New Business

1. Consideration to approve the retirement benefits payments as related to a retired employee.

Mayor Castleberry presented Item D1 to the Council and told them that former Mayor Kinley was receiving 50% of his salary until his recent passing. He said that state law allows the City Council to vote by approval to allow his widow to continue receiving 25% of that 50% in retirement benefits. He asked the Council to approve. There was a question from the Council as to the actual percentage of the benefits Mrs. Kinley is eligible for. Councilman Grimes made a motion to approve the measure and Councilwoman Mehl seconded it. Mayor Castleberry said he would confirm the amount with the Municipal League.

Adjournment-----

PASSED this 12th day of September 2023

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett