
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:00 pm
September 26, 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 12th, 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.

Monthly Financial Report Ending August 31, 2023

Tyler Winningham presented the monthly financial report for the month ending August 31, 2023 stating that sales tax was down slightly at 2.6% over the same month last year. He said that this could be due to businesses collecting rebates. He added that the numbers were still up about 3.5%. He told them that LOPFI turnbacks were being recorded and he expected that we would beat the budget number by about \$100,000. He said that building permits were strong and that 87% of the budget has been collected. He added that Parks & Recreation revenue was good this month. He said in the expenditure section, all departments are at or below budget. He added that operating cash was on the uptrend as well with the starting number at 17.1 million and the same time last year was 15.8 million. He stated that all other funds were in a good position. Councilman Hawkins called attention to several funds and asked what the plan was for the money. Mayor Castleberry stated that by the end of the year those numbers will be down but, in the meantime, we are collecting interest on the funds. He added that when budget time comes around, decisions would be made on projects to put the funds toward. There was discussion about various street projects and completion dates. Mr. Winningham added that most of the funds in the Street account presently were already allocated to various projects. Councilwoman Isby made a motion to approve the monthly financials and Councilwoman Mehl seconded it. A vote was called, and 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 September 12th, 2023 City Council agenda.

Councilwoman Isby made a motion to approve the waiving of all three readings for the Ordinances. Councilwoman Mehl 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-23-51

1760 Arden Lane in the amount of \$130.56 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.

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R-23-52

7 Azalea Loop in the amount of \$165.21 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-23-53

1820 Mill St in the amount of \$165.21 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-23-54

820 Spruce St in the amount of \$167.21 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 Red Robin Conway Club, Inc. DBA-Burnt Ends Barbeque located at 1025 South Amity Rd, Conway AR 72032**

O-23-70

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 funding and approval of artists for the Stone Dam Creek Underpass and a Downtown Conway Mural project for the Public Art Advisory Committee.**

O-23-71

Councilman Hawkins presented Item A4 to the Council. Felicia Rogers addressed the Council stating that the Public Art Board sent out requests for proposals to provide artwork for the Underpass and in Downtown Conway. She said that three artists had been selected and asked that \$30,000 be appropriated for both projects. 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 Hawkins, Councilwoman Tucker, Councilman Grimes, Councilwoman Isby, Councilman Ledbetter, Councilman Jones, and Councilwoman Mehl. The Ordinance passed 7-0.

- 5. Resolution authorizing the submission of a grant application to the Arkansas Department of Aeronautics State Airport Aid Program for the Conway Airport.**

R-23-55

Councilman Hawkins presented Item A5 to the Council. Jake Briley told the Council that this is a grant in partnership with UCA in the amount of \$100,000 but had recently been increased to \$500,000 with a 10% matching by the City. He said it would allow a City hangar to be built which would help to recoup the \$50,000 investment in about 4 years. Mayor Castleberry asked how long the waiting list for a hangar was, and Mr. Briley said he had about 55 in line. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

- 6. Ordinance to approve zoning code revisions for data centers in the City of Conway.**

O-23-72

Councilman Hawkins presented Item A6 to the Council. Troy Rice, Interim Director of Planning & Development called the Council's attention to Ordinance O-23-55 regarding data centers and related noise disturbances within the City limits. He said that the Planning Department and the City Attorney's office had worked together to create amendments to the Ordinance that would align with State requirements. He added that the Planning Commission reviewed the amendments and voted unanimously to forward to the City Council with a recommendation for approval. Councilman Grimes confirmed that according to the document, data centers would be allowed by right in I-3 zoning and by conditional use in other zonings. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Mehl seconded it. The Clerk called the roll with the following voting "Aye":

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

7. Ordinance to rezone property located at 5620 & 5625 Spencer Lake Drive, from PUD & A-1 to R-1.

O-23-73

Councilman Hawkins presented Item A7 to the Council. Troy Rice told the Council the applicant is seeking the rezoning to R-1 which is consistent with the comprehensive plan in this region. He said that Spencer Mountain at the Lake PUD was approved on December 27, 2005 and has never been developed. He added that an R-1 zoning is more consistent with surrounding zoning and the use pattern in the area. He said there is a small percentage of the property that is zoned A-1. 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 Hawkins, Councilman Grimes, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Isby, Councilman Jones, Councilwoman Mehl. The Ordinance passed 7-0.

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

1. Ordinance appropriating funds for the completion of the Conway Soccer Complex.

O-23-74

Mayor Castleberry presented Item B1 to the Council. Andrew Thames addressed the Council with an update on the Soccer Complex project. He told them that hydro-seeding had begun, and the grass was becoming green, the concession stand is going up smoothly, and the curbing in the parking lot is being completed. He said this Ordinance would appropriate funds from the A&P account for the completion of the project. He said it also appropriate funds from the Impact Fee account to go toward a splashpad and a maintenance storage building to be placed at the soccer complex. Councilman Jones made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Tucker, Councilman Grimes, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilman Grimes, and Councilwoman Mehl. The Ordinance passed 7-0.

2. Ordinance appropriating funds for capital improvement projects and equipment for the Parks & Recreation Department.

O-23-75

Mayor Castleberry presented item B2 to the Council. Andrew Thames told the Council that these projects are from their 2023 Capital Budget, appropriating funds from the A&P account for resurfacing of the tennis courts at the Tennis Center, bathrooms at MLK and Pompe Parks, repair the roof at the Don Owen Center and purchase mowers, a turf groomer, a various maintenance equipment. He said it will also provide funds for the pickleball courts at 5th Avenue Park, including four courts, lighting, and fencing. 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, Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, Councilman Hawkins, Councilwoman Tucker, and Councilman Grimes. The Ordinance passed 7-0.

C. Finance

1. Ordinance appropriating funds for software upgrades for the Finance Department.

O-23-76

Mayor Castleberry presented Item C1 to the Council. Tyler Winningham told the Council that an upgrade was necessary for the financial software, Springbrook, which is used throughout the City, to enter purchase orders, receipt funds, and enter budgets. He said it is primarily used within Finance and HR Departments and does our accounting, payroll, etc. He told them we are in the process of upgrading the system and also getting off of our servers and onto the "cloud". He said the testing is in process with a Go Live date of October 16th. He added that the funds would be appropriated from the Rescue Plan allocations. Councilman Hawkins made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl,

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

Adjournment-----

PASSED this 26th day of September 2023

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett