
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
September 28, 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, Councilwoman Mehl, Councilman Pruitt, 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: September 14, 2021

Councilwoman Isby motioned to approve the **September 14, 2021** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Monthly Financial Report: Month ending August 31, 2021

Tyler Wunningham addressed the Council stating that sales tax was again up this month at just under 12% over the same month last year. He added that year to date it is up around 14% and in dollars, that's approximately 2 million. He pointed out that Permits have met their budget numbers and Parks revenue is ahead of budget. He said the bottom line of the general fund was good at 2.3-million-dollar net revenue as of the end of August. He pointed out that the airport fund now has a line item for fuel inventory. 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. Ordinance accepting and appropriating grant funds from the Federal Aviation Administration for the Conway Regional Airport.

O-21-100

Councilman Hawkins presented Item A1 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. Jack Bell, Airport Director addressed the Council stating that this is a reimbursable grant from the FAA. 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, Councilman Ledbetter. The Ordinance passed 8-0.

2. Resolution to apply for an Economic Development Administration (EDA) grant for the Transportation Department.

R-21-77

Councilman Hawkins presented Item A2 to the Council. James Walden addressed the Council stating that this is for an application for an EDA grant on two projects, the Kinley Trail Extension and Garland Willow Street Woonerf Project. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The motion to adopt the Resolution passed 8-0.

3. Resolution to approve professional services for the Oak Street Corridor Study for the Transportation Department.

R-21-78

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Councilman Hawkins presented Item A3 to the Council. James Walden explained that this is a combination of integrated transportation and land use study. He added that a very important part of the study is projecting future transportation needs there and coordinating with ARDOT. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. The motion carried 8-0. A vote was called for and the Resolution passed 8-0.

4. Ordinance appropriating funds from GovDeals.com for the Transportation Department.

O-21-101

Councilman Hawkins presented Item A4 to the Council. Finley Vinson told the Council this are funds resulting from the sale of assets for the Transportation Department. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith 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": Councilwoman Isby, Councilman Grimes, Councilwoman Mehl, Councilman Jones, Councilman Hawkins, Councilman Ledbetter, Councilwoman Smith, and Councilman Pruitt. The Ordinance passed 8-0.

5. Ordinance authorizing the addition of an additional personnel position for the Transportation Department.

O-21-102

Councilman Hawkins presented Item A5 to the Council. Finley Vinson told the Council that Department's mechanic had retired last year and there is an employee who is filling this position and doing a good job. He said he would like to promote the employee to the position of mechanic. He said the previous mechanic had the job title of Shop Foreman, but this Ordinance uses the title of Heavy Equipment Mechanic. 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 with the emergency clause and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Hawkins, Councilman Grimes, Councilman Pruitt, Councilwoman Mehl, Councilwoman Isby, Councilman Ledbetter, and Councilman Jones. The Ordinance with the emergency clause passed 8-0.

6. Consideration to approve the nomination of Canton Ford for the Tree Board.

Councilman Hawkins presented Item A6 to the Council stating that this nomination is to fill a vacancy due to the resignation of a member of the Tree Board. Councilman Hawkins moved to accept the nomination of Canton Ford for the Tree Board and Councilwoman Isby seconded it. A vote was called, and the nomination passed 8-0.

7. Request for a conditional use permit to allow a bank in an O-2 zoning district for property located at 841 Donaghey Avenue.

Councilman Hawkins presented Item A7 to the Council stating that this matter was reviewed by the Planning Commission and was forwarded to City Council with a recommendation of approval 7-0-1. James Walden addressed the Council stating that the applicant is actually a mortgage company and because of the zoning is required to request a conditional use permit. He explained that the business leased the property and then discovered the zoning violation and is seeking a remedy. Councilwoman Smith made a motion to approve the request for a conditional use permit and Councilwoman Isby seconded it. A vote was called, and the motion carried 8-0.

8. Ordinance to rezone property located at 517 Fifth Street from R-2A to R-2.

O-21-103

Councilman Hawkins presented Item A8 to the Council. James Walden explained that this property is previously a location where through HDC, a single-family house was permitted, and the applicant decided not to build on the lot. It is currently zoned R-2A and the owner is seeking R-2 due to the lot shortage which would require several variances. Councilwoman Isby made a motion to waive the three readings and

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Councilwoman Smith Seconded it. The motion carried 8-0. Councilman Grimes expressed his concerns stating that R2-A was put in place to keep duplexes out of these older areas of town. He was not in favor of allowing the rezoning in these conditions. 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, Councilman Ledbetter, Councilwoman Mehl, Councilwoman Smith, Councilman Jones, and Councilwoman Isby. Councilman Grimes and Councilman Hawkins voted "No". The Ordinance passed 6-2.

9. Ordinance to rezone +/- 55.16 acres located at E Dave Ward Drive and Thomas G Wilson Drive from A-1 and C-3 to PUD.

O-21-104

Councilman Hawkins presented Item A9 to the Council stating that this matter was reviewed by the Planning Commission and was forwarded to City Council with a recommendation of approval 8-0. James Walden addressed the Council stating that this is a tract that is intended to be developed as a mixed-use development with a variety of uses including two hotel lots, multi-family, restaurant and retail, entertainment center, event center, and gas station. He added that staff has set forth conditions as stated in the final development plan for the rezoning. Mr. Walden pointed out that in the conditions it states that the zoning will remain A-1 until it is developed for the benefit of the property owner regarding taxes, etc. He proceeded to read and explain each condition. The Civil Consultant to the applicant, Eric Holloway addressed the Council stating that his client does concur with all of the conditions set forth. He added that this is a large project, and he commended the Planning staff for their work. Councilman Grimes pointed out that the applicant's proposed design standards deviate significantly from the City's Commercial Design Standards and expressed his concern. Mr. Walden explained that the main deviation was taking the masonry requirement from 50% to 25% on this project but he felt that considering the development it was a reasonable concession. Councilman Grimes added that other developments in that area had complied with the City's design standards, and he was not in favor of approving such a deviation. There was discussion among the Council as to the original intent of the Commercial Design Standards. Councilman Hawkins stated that the looks and quality of modern materials have improved since the standards were put in place, and he felt that the Council should consider updating the standards. Councilman Grimes agreed but expressed his concern that by passing this Ordinance, the standards would be changed without the opportunity for the Council to discuss fully. Councilman Jones added that the original design standards were put in place to curb the installation of metal buildings that was prominent in the City at that time. There was discussion of what actually constituted masonry. The applicant, James Thomas and Eric Holloway addressed the Council stating that their goal was to create a uniform design throughout the development and the required use of masonry would be a hardship and he named several new structures in the area where the masonry standards have not been required. He said that they were planning to use materials that were more energy efficient than masonry on the development. There was discussion about various building materials that could be used for the project. Councilwoman Mehl asked Mr. Walden if he felt there was a need to review and update the City's design standards. There was discussion among the Council as to how to handle changes in the design standards. Councilman Grimes made a motion to amend condition #8 requiring 25%, to require 51% masonry on this project. Councilman Grimes' motion failed for lack of a second. Several Councilmembers agreed that there was a need to revisit the City's Commercial Design Standards. Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. Councilwoman Isby made a motion to adopt the Ordinance with the conditions listed and the three additional conditions Mr. Walden read. Councilwoman Smith seconded the motion. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilman Hawkins, Councilman Ledbetter, and Councilwoman Isby. Councilman Grimes and Councilman Pruitt voted "No". The Ordinance passed 6-2.

10. Ordinance to rezone +/- 25.45 acres along Bill Bell Lane and Stanley Russ Road from A-1 to R-1.

O-21-105

Councilman Hawkins presented Item A10 to the Council stating that this matter was reviewed by the Planning Commission and was forwarded to City Council with a recommendation of approval 8-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded it. The motion carried 8-0. Councilman Jones moved to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Pruitt, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilman Ledbetter, Councilman Jones, Councilwoman Isby and Councilman Hawkins. The Ordinance passed 8-0.

B. 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. Ordinance appropriating donation funds for medical equipment for the Conway Fire Department.

O-21-106

Mayor Castleberry presented Item B1 to the Council. Assistant Chief, Bill Keightly addressed the Council stating that this is a donation from Centennial Bank to purchase AED equipment for the Fire Department. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. Councilwoman Isby moved to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Ledbetter, Councilman Grimes, Councilwoman Smith, Councilwoman Isby, Councilman Pruitt, Councilman Jones, Councilwoman Mehl and Councilman Hawkins. The Ordinance passed 8-0.

On this date Councilman Pruitt made official resignation from his duties as Councilman due to his relocation out of Ward 2.

Adjournment-----

PASSED this 28th day of September 2021

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett