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

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**Conway, Arkansas  
Tuesday, 6:00 pm  
October 8, 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 Hawkins, Councilman Grimes, Councilwoman Mehl, Councilman Ledbetter, Councilman Hawks, Councilman Jones, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Clerk/Treasurer Michael O. Garrett, and City Attorney Charles Finkenbinder. Councilman Cummins was absent.

**Call to Order: Mayor Bart Castleberry**

**Roll Call: Michael O. Garrett, City Clerk/Treasurer**

**Minutes: September 24<sup>th</sup>, 2024, 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. Community Development Committee (Airport, Community Development, Code Enforcement, Permits, Inspections, Transportation, & Planning & Development)**

**1. Consideration to approve waiving all three readings for the ordinances on the October 8, 2024, City Council agenda.**

Councilwoman Isby made a motion to approve the consideration to waive all three readings for all ordinances on the May 28, 2024, agenda and Councilwoman Mehl seconded it. A vote was called, and the motion carried 7-0.

**2. Resolution to approve the use of EECBG (Energy Efficient & Conservation Block Grant) for the City of Conway.**

**R-24-50**

Councilman Hawkins presented Item A2 to the Council. Robbie Alberson told the Council that the City is eligible to receive around \$125,000 with this grant. He reminded them of a project that was presented earlier in the year for solar, rectangular flashing beacons, but was told by the Department of Energy that it was an ineligible project. He said the application at this time would be for three hybrid vehicles. Councilwoman Mehl made a motion to adopt the Resolution and Councilman Ledbetter seconded it. A vote was called, and the Resolution was passed 7-0.

**3. Ordinance to approve a donation of a fire apparatus for the Conway Airport.**

**O-24-68**

Councilman Hawkins presented Item A3 to the Council. Chief Winter told the Council that the Little Rock Airport had purchased a new fleet of airport firefighting trucks and were donating their old ones, one of which was offered to the City. 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 Jones, Councilman Grimes, Councilman Hawks, Councilwoman Isby, and Councilwoman Mehl. The Ordinance passed 7-0.

**4. Ordinance appropriating funding for the Culture In The Park event held by the Diversity Advisory Council.**

**O-24-69**

Councilman Hawkins presented Item A4 to the Council. Shawanna Rodgers gave the Council a report on the second annual Culture in the Park event and added that she had received donations toward event

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expenses in the amount of \$4,200. 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 Mehl, Councilman Ledbetter, Councilman Grimes, Councilwoman Isby, Councilman Hawkins, Councilman Jones, and Councilman Hawks. The Ordinance passed 7-0.

**5. Consideration to approve the request to waive the 12-month waiting period for the resubmittal of an amendment application to rezone property located at 3310 Prince Street from R-1 to R-2A, with a conditional use permit to use as an office/restricted use for legal practice.**

Councilman Hawkins presented Item A5 to the Council. Anne Tucker addressed the Council saying that the Planning Commission had denied the rezoning to O-3 and at the time, the applicant was given the opportunity to amend the request but chose to move ahead. She said that now the applicant was asking to waive the waiting period and apply for the R-2A zoning, which would keep it residential, with the highest density use being a duplex. She added that the applicant would have to apply for a conditional use permit as well. Jamison Bonds, the applicant, addressed the Council stating that he was not aware prior to the Planning Commission meeting that there was opposition to the rezoning request and that he was not told that the R-2A with conditional use permit might be an option. He added that in learning about these issues during the meeting, and given only a few minutes to make a decision, he felt panicked and made the decision to go forward with the request that was ultimately denied. He asked the Council, to consider waiving the waiting period for him to reapply because he felt he was ill-informed, and he now knows and understands the situation better. Councilman Hawkins asked Ms. Tucker what the Planning Commission's opinion was on the matter. She replied that there was discussion about rezoning to R-2A because the contention was putting an O-3 zoning in a mostly single-family housing. She added that several of the neighbors that attended the meeting did not have a problem with Mr. Bonds having a law office at the location, they were just concerned about the rezoning if Mr. Bonds sells the property in the future. Councilman Ledbetter confirmed that if the Council approved the waiving of the waiting period, that the applicant would have to re-apply to the Planning Commission for the rezoning to R-2A. Emily Walter addressed the Council on behalf of the applicant and as his realtor, and reiterated that while they knew that the Planning Commission was likely going to deny the request to rezone to O-3, they were not given any information about another alternative at that time. She again, asked the Council to approve the waiver so that they could start the application process over with more knowledge about the situation. There was discussion among the Council regarding the communication between the applicant and the Planning staff. Councilwoman Isby stated her concern about waiving the waiting period rule when the option to amend the request was offered and not taken at the time. Councilman Grimes stated that the 12-month waiting period is there for a reason and waiving it should be done judiciously, however he felt that the reasons for the request as stated were in line with a waiver. Councilwoman Mehl asked Ms. Tucker if any of the other neighbors expressed approval of the R-2A zoning with conditional use permit, and she said that most of the residents at the meeting had already spoken when the R-2A zoning suggestion was brought forth, but that one resident did voice approval of that option as the main concern was what would happen to the property as O-3 if the applicant sold it in the future. There was no one else to speak for or against the matter. Councilman Grimes made a motion to approve the request to waive the 12-month waiting period and Councilman Hawkins seconded it. A vote was called, and the motion failed 3-4 with Councilwoman Mehl, Councilman Hawkins and Councilman Grimes voting "yes" and Councilman Ledbetter, Councilman Hawks, Councilman Jones, and Councilwoman Isby voting "no".

**6. Consideration to approve the request to waive the 12-month waiting period for the submittal of an amendment for property located at 2555 Prince Street for a conditional use permit to allow Retail-General Use.**

Councilman Hawkins presented Item A6 to the Council. Anne Tucker told the Council that in May of this year the Council hear an appeal for a conditional use permit for property at 2555 Prince St. She said at that point it was going to be a Starbucks, but the Council denied the request. She reminded them that the request is tied to the property, not the applicant, the property now has a 12-month moratorium. She said that the applicant is requesting another CUP to build another restaurant in the location, and the waiver requires Council approval. Jared Coleman, the applicant reminded the Council that in the process of the previous application for a Starbucks there was an issue with the adjacent business, Shadrach's being willing

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to share the curb cut entrance, but since then they have met with the owner of Shadrach's, and they believe he approves the new restaurant. He asked Council to approve the waiver so that they could continue the site development. Councilman Hawkins made a motion to approve the waiving of the 12-month waiting period for re-submittal of the amendment for the property, and Councilman Ledbetter seconded it. A vote was called, and the motion carried 6-1 with Councilman Jones voting "no".

### **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 funding for the Conway Emergency Operations Center (CEOC)**

**O-24-70**

Mayor Castleberry presented Item B1 to the Council. Sean Canady, Director of the CEOC told the Council that they had received funds from AT&T for overpayment in the amount of \$2,731.58. 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 Hawks, Councilman Grimes, and Councilman Hawkins. The Ordinance passed 7-0.

#### **2. Consideration to approve vehicle disposal for the Conway Police Department.**

Mayor Castleberry presented Item B2 to the Council. Chief Harris asked the Council for this approval stating that the vehicle will be sold at auction. Councilwoman Isby made a motion to approve, and Councilwoman Mehl seconded it. A vote was called, and the motion carried 7-0.

#### **3. Ordinance appropriating funding for fuel for the Conway Police Department.**

**O-24-71**

Mayor Castleberry presented Item B4 to the Council. Chief Harris told the Council that he was requesting addition funds to replenish the fuel account to get the department through the end of the year. Councilman Hawkins made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilwoman Mehl, Councilman Hawks, Councilman Grimes, Councilwoman Isby, Councilman Ledbetter and Councilman Jones. The Ordinance passed 7-0.

#### **4. Ordinance appropriating various reimbursement funds for the Conway Police Department.**

**O-24-72**

Mayor Castleberry presented Item B3 to the Council. Chief Harris told the Council they had received reimbursement funds from extra duty services. 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 Mehl, Councilman Jones, Councilman Hawks, Councilman Grimes, Councilman Ledbetter, Councilman Hawkins, and Councilwoman Isby. The Ordinance passed 7-0.

### **C. New Business**

Mayor Castleberry read the annual millage certifications to be submitted to the Faulkner County Clerk's Office.

**Resolution of a voluntary levy of two-tenth's (.2) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for an Animal Shelter for the City of Conway.**

**R-24-51**

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**Resolution of a voluntary levy of four-tenth's (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a recreation assessment raising special revenue for the sole and exclusive purpose of providing additional funds for the purpose of construction, equipping, operating, and maintaining the public recreation and playgrounds of City of Conway.**

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**R-24-52**

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**Resolution of a voluntary levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue the exclusive purpose of operating and maintaining the cemeteries for the City of Conway.**

**R-24-53**

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a Policeman's Pension and Relief Fund.**

**R-24-54**

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a Fireman's Pension and Relief Fund.**

**R-24-55**

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for paid Non-Uniformed employees.**

**R-24-56**

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**Resolution of a levy of three (3.0) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising General Fund Revenues.**

**R-24-57**

Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 7-0.

**Adjournment-----**

*PASSED this 8<sup>th</sup> day of October 2024*

**APPROVED:**

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**Mayor Bart Castleberry**

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**City Clerk Michael O. Garrett**