
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:00 pm
October 10, 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, Councilwoman Webb, Councilman Grimes, Councilman Jones, and Councilwoman Isby. Also, present and acting: Mayor Bart Castleberry, City Clerk Michael Garrett, and City Attorney Charles Finkenbinder.

Call to Order: Mayor Bart Castleberry

Roll Call: Michael Garrett, City Clerk

Minutes: August 26th, 2023, City Council Meeting

Councilwoman Isby made a motion to approve the minutes as submitted and Councilwoman Mehl seconded it. The motion carried 8-0.

Report of Standing Committees:

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

1. Consideration to approve waiving all three readings for the ordinances on the October 10th, 2023 City Council agenda.

Mayor Castleberry presented Item A1 to the Council. Councilwoman Mehl made a motion to approve, and Councilwoman Isby seconded it. The motion carried 8-0.

2. Ordinance to approve new federal standards for electric utilities for Conway Corporation.

O-23-77

Councilman Hawkins presented Item A2 to the Council. Brett Carroll addressed the Council explaining the changes in the standards and stating that Conway Corporation was considerate of those changes when they did their recent electric rate study. He added that the Conway Corp Board had approved a resolution insuring compliance with the federal standards and asked the Council to pass the Ordinance covering them. Councilwoman Mehl 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": Councilman Ledbetter, Councilwoman Tucker, Councilman Hawkins, Councilwoman Isby, Councilwoman Mehl, Councilman Grimes, Councilwoman Webb, and Councilman Jones. The Ordinance with the emergency clause passed 8-0.

3. Ordinance to approve a deed transfer for Stone Dam Wastewater Treatment Plant to Conway Corporation.

O-23-78

Councilman Hawkins presented Item A3 to the Council. Brett Carroll told the Council that Conway Corp took over the franchise for City Wastewater in 1957 and acquired this property in 1960 and operated there until the acquisition of the Stone Dam Plant. He told them that it was discovered that the property was in the name of the City of Conway and asked them to pass this Ordinance so that Conway Corporation could continue to develop the property for their needs. 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, Councilwoman Webb, and Councilman Hawkins. The Ordinance passed 8-0.

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

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

O-23-79

Councilman Hawkins presented Item B1 to the Council. Shawanna Rodgers addressed the Council stating that the funding for the event was donated by the Diversity Council and asked them to approve the appropriation. Councilman Jones made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Isby, Councilwoman Mehl, Councilman Jones, Councilwoman Webb, Councilwoman Tucker, Councilman Hawkins, Councilman Grimes, and Councilman Ledbetter. The Ordinance passed 8-0.

2. Ordinance to rezone property located at 1 Eagle Wing Drive from A-1 to R-1.

O-23-80

Councilman Hawkins presented Item B2 to the Council. Troy Rice, Planning Director, told the Council that the City's comprehensive plan defines this area as single-family which does establish a use pattern. He said that single-family homes exist on the north and to the west of the property. He told them that Planning staff recommended approval of the rezoning to the Planning Commission and the vote to rezone failed. Afterwards, the applicant, Grant Goode submitted a request to appeal the denial of the decision of the Planning Commission to the City Council. Bobby French, representing the applicant addressed the Council stating they understand the prevailing concerns and they have met all of the requirements for the rezoning as R-1. He said they understand the neighbors desire for larger lot sizes, but that is not in the plans the owner has for the property, and they feel that R-1 is right for the area and the property in question. Councilwoman Mehl asked if the property had been sold to a developer and Mr. French said that the property had not been sold. Elaine Goode addressed the Council stating that she lives on the property and has since the 1970's. She told the Council that she was not able to manage the property as a farm anymore and it was her desire to develop it. Grant Goode addressed the Council in favor of the re-zoning. He assured them there were no other plans for the property other than what has been presented. He added that he would act as the developer and gave them a brief description of the development plan. He said his family has paid property tax on the property since 1975 and they would like to be able to do something progressive with the land. Floyd Valentine addressed the Council in opposition to the rezoning stating that he and his neighbors purchased their lots and homes because of the large lot sizes and privacy that they afforded. He added that a development of small lot sizes would change the dynamic of the neighborhood in a negative way. He said that the surrounding properties were zoned A-1 or were unincorporated and argued that there was no R-1 zoning touching the property in question. He added that they are not concerned with Mrs. Goode selling her property, but that they were concerned with the numbers and said that the density of the proposed development does not fit with the surrounding neighborhoods. Mr. Valentine cited numerous problems with infrastructure that could result with such a development. He asked the Council to vote for appropriate land use. He said that the building of this high-density addition is not the best use for this land. Jesse Thompson, a resident of the area, spoke in opposition to the rezoning. Woodrow Cummins, a resident of the area addressed the Council with the suggestion of the possibility of adding a second residential zoning designation to accommodate high-density subdivisions as well as large lot subdivisions. Patty Stobaugh, a resident of the area spoke in opposition to the rezoning and asked the Council to uphold the Planning Commission's decision to deny rezoning. A resident from 600 Grandview Heights Drive spoke in opposition to the rezoning. Marty Montgomery spoke to the Council in opposition to the rezoning. Councilman Jones clarified that this request was an appeal to the Planning Commission's decision to deny rezoning. Councilwoman Webb asked about the possibility of adding another zoning designation and Mayor Castleberry said that it is something a new Planning Director would be looking at in the future. Councilman Hawkins asked Mr. Goode to clarify that he was planning to develop the property in 5 acre increments. He replied that he did not anticipate it being a fast moving process. Councilman Grimes made a motion to approve the Ordinance rezoning the property from A-1 to R-1, and Councilwoman Tucker seconded it. The Clerk called the roll with the

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following Councilmembers voting "No": Councilwoman Webb, Councilman Ledbetter, Councilman Hawkins, Councilwoman Mehl, Councilwoman Isby, Councilwoman Tucker, Councilman Jones, Councilman Grimes. The Ordinance failed 8-0.

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

- 1. This item was removed from the agenda.**
- 2. Resolution to approve Taggart Architects for planning and designing a new Solid Waste Operations and Maintenance facility for the Sanitation Department.**

R-23-56

Mayor Castleberry presented Item C2 to the Council. Joe Hopper addressed the Council stating that requests for qualifications were sent out and two responses were received with the selection committee recommending Taggart for the project. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Mehl seconded it. A vote was called, and the Resolution passed 8-0.

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

Mayor Castleberry presented Item D1 to the Council. Chief Tapley told the Council that his department had a 2006 Lincoln Navigator that was seized and asked for approval to auction the vehicle. Councilwoman Isby made a motion to approve, and Councilman Ledbetter seconded it. A vote was called, and the consideration was approved 8-0.

- 2. Ordinance appropriating funding for the Conway Police Department.**

O-23-81

Mayor Castleberry presented Item D2 to the Council. Chief Tapley told the Council that they had received reimbursements for extra duty and various other entities. 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, Councilwoman Webb, Councilman Grimes, Councilman Ledbetter, Councilwoman Tucker, Councilman Hawkins, and Councilwoman Isby. The Ordinance passed 8-0.

- 3. Ordinance appropriating funding for the Conway Fire Department.**

O-23-82

Mayor Castleberry presented Item D3 to the Council. Chief Winter told the Council that his department had received donation checks and asked them to approve the appropriation. 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 Webb, Councilwoman Mehl, Councilman Hawkins, Councilwoman Tucker, Councilwoman Isby, Councilman Ledbetter, Councilman Jones, and Councilman Grimes. The Ordinance passed 8-0.

- 4. Ordinance appropriating funding from the sale of Fire Station #3 for the Conway Fire Department.**

O-23-83

Mayor Castleberry presented Item D4 to the Council. Chief Winter told the Council that the sale had recently been completed and asked for approval to appropriate the funds back into their budget to invest in the upgrading of the other fire stations. 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, Councilwoman Isby, Councilwoman Webb, Councilwoman Mehl, Councilwoman Tucker, and Councilman Grimes. The Ordinance passed 8-0.

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5. Ordinance to provide procedures for municipal candidates to file nominating petitions in the City of Conway.

O-23-84

Mayor Castleberry presented Item D5 to the Council. Charles Finkenbinder, City Attorney, explained that Act 328 of 2023 eliminated one of the options for cities regarding when they could set their filing periods for municipal candidates. He said that previously there was an option 20 days prior to the preferential primary election that was eliminated in Act 328. He said that now the law states that candidates for municipal office file petitions for nomination as independent candidates with the County Clerk during the one week period ending 90 days before the general election. He added that this ordinance is necessary to repeal all other ordinances that are no longer consistent with state law and to provide clarity. 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": Councilwoman Tucker, Councilman Grimes, Councilman Jones, Councilman Hawkins. Councilwoman Webb, Councilwoman Isby, Councilman Ledbetter, and Councilwoman Mehl. The Ordinance with the emergency clause passed 8-0.

Adjournment-----

PASSED this 10th day of October 2023

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett