
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday, 6:30 pm
December 13, 2022

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, Councilwoman Tucker, Councilman Ledbetter, Councilwoman Smith, 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: November 8, 2022

Councilwoman Isby motioned to approve the **November 8, 2022** minutes as submitted. Councilwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Report of Standing Committees:

A. Public Hearing

1. Public hearing to discuss the closing of EW Martin Drive in the Conway Industrial Park "East".

Mayor Castleberry declared the public hearing open. James Walden told the Council that this is for a coming industrial project, and they need to close this portion of the right-of-way to meet construction needs. There was no one present to speak for or against the matter. Mayor Castleberry declared the public hearing closed.

2. Ordinance closing the east portion of EW Martin Drive in the Conway Industrial Park "East".

O-22-122

Councilwoman Smith made a motion to waive the three readings and Councilwoman Isby seconded. The motion carried 6-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilman Ledbetter seconded it. The vote was called and the following voted "Aye": Councilman Jones, Councilwoman Tucker, Councilman Hawkins, Councilman Jones, Councilwoman Smith, Councilwoman Isby, Councilwoman Mehl, and Councilman Grimes. The Ordinance passed 8-0.

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

1. Resolution authorizing the Mayor to enter into certain sale agreements with the Conway Development Corporation.

R-22-64

Councilman Hawkins presented Item B1 to the Council. Jamie Gates with the CDC addressed the Council stating that this Resolution involves a "swap" of multiple parcels of properties at Central Landing and our current Airport. He added that the Resolution allows the Mayor and City Attorney to work out the details of the arrangement. He showed the Council an exhibit identifying the parcels involved in the trade at both locations. He said that included is approximately an acre of land on the west that would be provided to the City, and in exchange the CDC will be accepting the land to the south of the aquatic center and land associated with the Transportation department. Councilman Hawkins asked Mr. Gates if this transaction would allow the City to build roads and accesses on the Central Landing property and Mr. Gates said it was true and that it is all in line with the master street plan and the necessary accesses have been identified for

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future development. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called, and the Resolution passed 7-0-1 with Councilman Grimes abstaining.

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

1. Resolution requesting the Faulkner County Tax Collector place a lien on various properties for expenses incurred by the City.

Councilman Hawkins presented Item C1 to the Council.

R-22-65

A lien in the amount of \$162.29 on property at 7 Azalea Loop. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. A vote was called, and the Resolution passed 8-0.

R-22-66

A lien in the amount of \$217.29 on property at 26 Brierwood Circle. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. A vote was called, and the Resolution passed 8-0.

R-22-67

A lien in the amount of \$173.84 on property at 255 Garland. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. A vote was called, and the Resolution passed 8-0.

R-22-68

A lien in the amount of \$198.30 on property at 1520 Appalachian Drive. There was no one present to represent the property. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. A vote was called, and the Resolution passed 8-0.

2. Ordinance approving the private club permit location for Olive Garden of Conway, Inc. to be located at 554 Museum Rd.

O-22-123

Councilman Hawkins presented Item C2 to the Council. Councilwoman Smith made a motion to waive the three readings and Councilman Jones seconded it. The motion carried 8-0. 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 Grimes, Councilman Jones, Councilwoman Mehl, Councilman Ledbetter, Councilwoman Tucker, Councilwoman Smith, Councilwoman Isby and Councilman Hawkins. The Ordinance passed 8-0.

3. Consideration to approve nominations for the Annual Boards and Commissions.

Councilman Hawkins presented Item C3 to the Council. Mayor Castleberry called the Council's attention to an amended Boards & Commissions memo. Councilman Hawkins read the names of the nominees to the Council:

Airport Advisory Committee:

J.C. Thornton Term expires in December 2026

Michael Moix Term expires in December 2026

Bicycle & Pedestrian Advisory Board:

Duston Morris Term expires in December 2025

Kalyn Camp Term expires in December 2025

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Conway Tree Board:

Shannie Jackson Term expires in December 2025
Sam Little Term expires in December 2025
Amy Roaming – White Term expires in December 2025

Diversity Advisory Council:

Rafeal Marlow Term expires in December 2026
Danielle Henry Term expires in December 2026

Historic District Commission:

Liz Hamilton Term expires in December 2025
Steve Hurd Term expires in December 2024

Oak Grove Cemetery:

Kathy Cooper Term expires in December 2026

Planning Commission:

Mark Ferguson Term expires in December 2027
Jensen Thielke Term expires in December 2027

Public Art Advisory Committee:

Morgan Lefler Term expires in December 2024

Robinson Cemetery Board:

Donna Boxley Term expires in December 2027
Ernestine Acklin Term expires in December 2027
Jerry Carter Term expires in December 2027

Councilman Hawkins pointed out that there was a name on the original list of nominees that was a real estate agent and added that he would like to see a real estate agent on the Planning Commission. Mayor Castleberry said that the application period was to be re-opened and that individual would be able to apply for the position and those additional nominations would be presented to the Council at the second City Council meeting in January. Councilwoman Isby made a motion to approve the nominations and Councilman Jones seconded it. A vote was called and the consideration for the nominations was approved 8-0.

4. Ordinance appropriating Rescue Plan Grant Program funds from the FAA for the Conway Airport. O-22-124

Councilman Hawkins presented Item C4 to the Council. Jake Briley addressed the Council stating that these funds were received from the FAA. 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 and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Grimes, Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, Councilwoman Isby, Councilwoman Smith, and Councilwoman Tucker. The Ordinance passed 8-0.

5. Ordinance appropriating CARES ACT grant funds from the FAA for the Conway Airport. O-22-125

Councilman Hawkins presented Item C5 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. Councilwoman Mehl made a motion to adopt the Ordinance and Councilwoman Isby seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilman

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Hawking, Councilman Grimes, Councilwoman Tucker, Councilman Ledbetter, Councilwoman Isby. The Ordinance passed 8-0.

6. Resolution to approve a corporate ground lease agreement for the Conway Airport

R-22-

Councilman Hawkins presented Item C6 to the Council. Jake Briley of the Conway Airport told the Council that this is for two different hangars that are being built, one for a pair of businessmen in the City with private aircraft and a group of four individuals building a personal hangar. He added that this is a 40 year land lease in which the City receives revenues based on square footage and fuel sales, and at the end of the 40 year lease period, the land reverts back to the City. Councilwoman Smith made a motion to adopt the Resolution and Councilwoman Isby seconded it. A vote was called, and the Resolution passed 8-0.

7. Ordinance appropriating funding and entering into an agreement with Blackbird Arts Collective for the Conway Poetry Project for the Public Art Advisory Committee.

O-22-126

Councilman Hawkins presented Item C7 to the Council. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. James Walden told the Council that this is for the Public Art Advisory Committee and reminded the Council that they had previously approved the project with the intent to allocate money toward it in the future. He told them that this is a combination of a poetry and art project where murals, art pieces and signs depicting poetry would be placed around town. 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 Ledbetter, Councilman Grimes, Councilwoman Mehl, Councilwoman Smith, Councilwoman Tucker, Councilman Jones, Councilwoman Isby, and Councilman Hawkins. The Ordinance passed 8-0.

8. Ordinance appropriating donation funds for Arbor Day for the Conway Tree Board.

O-22-127

Councilman Hawkins presented Item C8 to the Council. 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 Tucker, Councilman Grimes, Councilwoman Smith, Councilwoman Isby, Councilman Ledbetter, Councilman Jones, Councilwoman Mehl, Councilman Hawkins. The Ordinance passed 8-0.

9. Ordinance granting a franchise agreement to Brick & Forge to utilize specific street rights of way on the west side of Court Street in Downtown Conway.

O-22-128

Councilman Hawkins presented Item C9 to the Council. James Walden explained that the restaurant is wanting to provide outdoor seating which requires a franchise agreement to utilize the public property. He called their attention to the design drawing and said that the final approval of the design would come from the Transportation Department. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. Councilwoman Isby made a motion to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Mehl, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilman Grimes, Councilwoman Smith, Councilwoman Tucker, and Councilman Hawkins. The Ordinance with the emergency clause passed 8-0.

10. Ordinance establishing guidelines and roles for the Public Art Advisory Committee.

O-22-129

Councilman Hawkins presented Item C10 to the Council. James Walden told the Council that part of the Public Art Master Plan was to redo the ordinance for the Public Art Advisory, to clarify roles with the

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Committee and also reduces the number of required members of the Committee. 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 Mehl, Councilwoman Isby, Councilman Jones, Councilman Ledbetter, Councilman Grimes, Councilwoman Smith, Councilwoman Tucker, and Councilman Hawkins. The Ordinance passed 8-0.

11. Ordinance to amend Ordinance O-19-85 governing small wireless communication facilities in the right-of-way for the City of Conway.

O-22-130

Councilman Hawkins presented Item C11 to the Council. James Walden explained that City ordinances were passed in 2018 and 2019 and then state legislature was passed pre-empting much of the City's ability to regulate them. He said that because of Conway Corp design standards, the installation of these small cell wireless communication devices have been very innocuous, however in the future, the installation of the facilities will not be limited to just Conway Corp poles. He said that this ordinance establishes set standards that are pre-approved for future installations and will prevent a lot of different implementations among the various service carriers that install the facilities. He added that it will also enable the City to work with a third party vendor in the future to carry out large scale deployment of small cell throughout the City. 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 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 Smith, and Councilman Jones. The Ordinance with the emergency clause passed 8-0.

12. Ordinance accepting the annexation of +/- 32.24 acres located south of Empy Trail and Orchard Hills, Phase 2.

O-22-131

Councilman Hawkins presented Item C12 to the Council. James Walden told the Council that developer Frank Shaw has some additional property he is developing south of Empy Trail. He added that the property has been final platted, and this is a necessary action prior to the installation of utility connections etc. 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": Councilman Ledbetter, Councilwoman Mehl, Councilman Grimes, Councilwoman Tucker, Councilman Jones, Councilwoman Isby, Councilwoman Smith and Councilman Hawkins. The Ordinance passed 8-0.

13. Ordinance to rezone property located at the northwest corner of the intersection of Dave Ward Drive and S. Country Club Road from O-1 to C-2.

O-22-132

Councilman Hawkins presented Item C13 to the Council. James Walden explained that this was reviewed at the last Planning Commission meeting and that it is two parcels of land, one belongs to Mr. Palladino and one that belongs to New Life Church. He said that these are being zoned C-2 in order to accommodate a future grocery store in the future. Councilwoman Smith asked if this is enough acreage to accommodate a grocery store and Mr. Walden confirmed that it was. Councilman Grimes asked if there was any input from surrounding property owners at the Planning Commission meeting. Mr. Walden said there was not any opposition to the project. 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, Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilwoman Tucker, Councilman Hawkins, Councilman Grimes and Councilman Ledbetter. The Ordinance passed 8-0.

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14. Ordinance to rezone property located at the west of S. Country Club Road and north of Dave Ward Drive, including 633 S. Country Club and 640 Diane Lane from O-1 to S-1.

O-22-133

Councilman Hawkins presented Item C14 to the Council. James Walden explained that New Life Church is also looking at future plans and how to manage their growth. He said that anytime his department works with religious organizations they encourage them to consider the S-1 zone which better aligns to what they are trying to do, such as campus activities, etc. He added that there are no immediate impending changes to their campus, they are just preparing for future growth. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilman Ledbetter, Councilman Hawkins, Councilwoman Isby, Councilwoman Mehl, Councilwoman Tucker, Councilman Jones, and Councilman Grimes. The Ordinance passed 8-0.

15. Consideration to approve a conditional use permit for property located at 2005 Meadowlake to allow the use of duplex/two-family dwelling in a C-2 zoning district.

Councilman Hawkins presented Item C15 to the Council. James Walden told the Council that the property was previously used as a duplex but there were changes at the site and they had to do considerable renovations. The owner had intended the property for office use, but after they learned all of the code requirements with parking lots, etc., they decided to keep it as a duplex. In order to bring the property into conformity with the C-2 zone they are seeking a conditional use permit to be used as a duplex. Councilwoman Mehl stated that she remembered at one time there was going to be a gas station at the location. Mayor Castleberry asked if there had been any opposition at the Planning Commission meeting and Mr. Walden stated that there had been none. Mayor Castleberry asked if there was anyone present who would like to speak for or against the matter. No one came forward. There was no further discussion. Councilwoman Smith made a motion to grant the conditional use permit and Councilwoman Isby seconded it. A vote was called, and the motion carried 8-0.

16. Consideration to approve a conditional use permit for property located at 1320 S. German Lane to allow Public-Owned Service Facility and Utility Facility uses in an A-1 zoning district.

Councilman Hawkins presented Item C16 to the Council. James Walden told the Council that the City has acquired a property on Harkrider and with that Acquisition came a tenant. He said the tenant needs to build a new Utility Service Facility at their property on South German. He added that this is to accommodate Conway Corp's new property. He said that everyone has been working together to make this happen and that the Facility will be good for Conway. Councilwoman Smith made a motion to grant the Conditional Use Permit and Councilwoman Isby seconded it. A vote was called, and the motion carried 8-0.

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

1. Ordinance appropriating funds for the Conway Soccer Complex.

O-22-134

Councilman Hawkins presented Item D1 to the Council. Steve Ibbotson told the Council they were asking for approval of the \$9,370,000.000 preliminary budget for the soccer complex project, and also that the AAPR Project to include \$1,500,000.00 for the project, \$500,000 from the General Fund, and an appropriation from A&P funds once the contractor has a guaranteed maximum price that the Mayor and Council approve. Councilman Hawkins noted that the amounts were larger than first speculated and the Mayor said that it was due to price increases across the board. Councilwoman Isby made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion carried 8-0. Councilwoman Isby made a motion to adopt the Ordinance and Councilwoman Smith seconded it. The Clerk called the roll with the

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following voting "Aye": Councilwoman Mehl, Councilman Jones, Councilwoman Smith, Councilman Grimes, Councilman Ledbetter, Councilwoman Tucker, Councilman Hawkins, and Councilwoman Isby. The Ordinance passed 8-0.

E. Public Safety Committee (District Court, Department of Information Systems and Technology, Animal Welfare, CEOC (Communications Emergency Operations Center), Police, Fire, & Office of the City Attorney)

1. Consideration to dispose of certain equipment for the Conway Police Department.

Mayor Castleberry presented Item E1 to the Council. Chief Tapley told the Council that his department has a list of IT item that no longer work and asked to be able to dispose of those items. Councilwoman Smith moved to approve the consideration and Councilwoman Isby seconded it. The motion carried 8-0.

2. Ordinance appropriating reimbursement funds for the Conway Police Department.

O-22-135

Mayor Castleberry presented Item E2 to the Council. Chief Tapley told the Council he had various funds from things such as extra duty services, task force funds and insurance proceeds and asked to be able to appropriate those funds into direct accounts. 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 Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Smith, Councilwoman Mehl, Councilman Hawkins, Councilwoman Tucker, Councilwoman Isby, Councilman Ledbetter, Councilman Jones, and Councilman Grimes. The Ordinance passed 8-0.

3. Resolution approving the acceptance of a grant and entering into an agreement for the Conway Police Department.

R-22-70

Mayor Castleberry presented Item E3 to the Council. Chief Tapley told the Council that a few months ago Mr. Albertson applied for a grant for public safety equipment and we were awarded a partial grant of \$100,000 for virtual reality training for the Police Department. He added that it does not cover the entire program with the City being responsible for approximately \$40,000 over the next four years. Councilwoman Isby made a motion to adopt the Resolution and Councilwoman Smith seconded it. A vote was called and the motion to adopt carried 8-0.

4. Ordinance entering into an agreement with Axon to purchase tasers for the Conway Police Department.

O-22-136

Mayor Castleberry presented Item E4 to the Council. Chief Tapley told the Council that the taser system in place is reaching end of life and they cannot buy the taser one at a time but must enter into an agreement with the company to provide tasers and equipment to go with them, and the contract would be for a 5-year period in the amount \$236,436.25. 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 Mehl seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Ledbetter, Councilman Jones, Councilwoman Isby, Councilwoman Smith, Councilwoman Mehl, Councilwoman Tucker and Councilman Grimes. The Ordinance passed 8-0.

F. Finance

1. Ordinance appropriating funds for employee bonuses.

O-22-137

Mayor Castleberry presented Item F1 to the Council. The Mayor asked the Council to approve at \$600 bonus for full-time employees and a \$300 bonus for part-time employees. Councilwoman Smith made a motion to waive the three readings and Councilwoman Mehl seconded it. The motion carried 8-0. Councilwoman Smith made a motion to adopt the Ordinance with the emergency clause and Councilwoman Mehl

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seconded it. The Clerk called the roll with the following voting "Aye": Councilwoman Tucker, Councilman Grimes, Councilman Jones, Councilman Hawkins, Councilwoman Smith, Councilwoman Isby, Councilman Ledbetter, and Councilwoman Mehl. The Ordinance passed 8-0.

2. Ordinance adopting a budget for the City of Conway for the fiscal year 2023.

O-22-138

Mayor Castleberry presented Item F2 to the Council. Tyler Winningham addressed the Council stating that there is a 5% cost of living adjustment for non-uniform personnel included in the budget. Also there is \$360,000 to establish incentive pay for police officers in the categories of education, certificate pay, and bilingual/sign language. He added that there are 6 new firefighter positions in the budget at a cost of approximately \$375,000, and the incentive adjustment for the fire department will be an additional percentage increase on top of the COLA, with an extra 3% added. He said there were two new Parks Groundskeeper positions. He reminded the Council that there has always been \$500,000 carved out of the pay-as-you-go sales tax revenue for police vehicles, then it was changed to allow the fire department \$100,000 of the revenue, and earlier this year Council voted to split that revenue equally between the police and fire departments. He told them the fire department purchase two vehicles and the \$250,000 won't cover the costs so there is going to be a portion of general fund for fire vehicles in the amount of \$129,600 under capital vehicles to make the payments on the fire vehicles. He called their attention to the A&P bond payment for the facilities discussed tonight in the amount 2.2 million dollars and the A&P budget has about 1 million dollars to fund projects. He added that the street sales tax will sunset in 2023. The 3/8 cent that was voted in 2018 will end on March 31st. There was some discussion among the Council regarding future needs that may require tax funds. The Mayor added that he will ask that spending be frozen in the first quarter of 2023 in order to evaluate the City's financial position. Councilwoman Isby made a motion to waive the three readings and Councilwoman Smith seconded it. The motion carried 8-0. Councilwoman Mehl made a motion to adopt the Ordinance with the emergency clause and Councilwoman Smith seconded it. The Clerk called the roll with the following voting "Aye": Councilman Hawkins, Councilman Ledbetter, Councilman Jones, Councilman Grimes, Councilwoman Tucker, Councilwoman Smith, Councilwoman Isby, and Councilwoman Mehl. The Ordinance with the emergency clause passed 8-0.

G. New Business

1. Consideration to cancel the December 27th, 2022 City Council meeting.

Mayor Castleberry asked the Council for their approval to cancel the December 27, 2022 City Council meeting and Councilwoman Smith made a motion to approve the consideration. Councilwoman Isby seconded the motion and the motion carried 8-0.

Adjournment-----

PASSED this 13th day of December 2022

APPROVED:

Mayor Bart Castleberry

City Clerk Michael O. Garrett