
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
January 26, 2016

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: Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson. Alderman Jones was not in attendance.

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett

Minutes: January 12, 2016 City Council Meeting

Alderwoman Whitmore motioned to adopt the January 12, 2016 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Employee Service Awards

5 Years

Latresha Woodruff - Police Dept.
Justin Martin - Fire Dept.

10 Years

Sean Canady - Information Technology

15 Years

Nichole Schichtl - District Court
Mark McEntire - Fire Dept.

Approval of Monthly Financial Reports ending December 31, 2015

Tyler Winningham, CFO, explained the general fund exceeded our budget with Ad Valorem property taxes and we will begin seeing benefits of the now, 3.0 millage rate collected for the general fund. Mr. Winningham stated sales tax was up 9 months of 2015, with the average being 7% growth. Mr. Winningham stated the newly collected water/wastewater franchise fees both showed strong collections for us in 2015; we budgeted \$880,000.00 and collections were approximately \$930,000.00 and stated we exceeded what we budgeted. Mr. Winningham stated as far as expenditures we had a few departments that were in excess of their budget one being city council, but this is due to not budgeting for the health insurance and stated we will correct this moving forward. Mr. Winningham stated the Police Dept. also exceeded their budget and explained they had several retirements in 2015 and these employees are paid out for their remaining vacation and sick time, which can be significant, and stated this is not budgeted for. Mr. Winningham stated the next expenditure involves the city attorney's office and stated when the other Deputy City Attorney was added we, were off slightly with our appropriations; the general fund as a whole is well under budget with expenditures, and our bottom line net revenue is \$2 million. Mr. Winningham moved to the general fund balance sheet and stated our cash reserve account is \$2 million

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

dollars plus interest since we opened that account. Alderwoman Mehl stated she is glad to see we are ahead in revenue even after the \$750,000.00 loan proceeds were subtracted out. Mr. Winningham moved forward to the Street Fund and explained the Ad Valorem tax is not as strong as the general fund as there are 2 months' worth of revenue that will not be reflected until we do our year end accruals. Mr. Winningham stated we were over budget by approximately \$150,000.00 in state tax turn back, severance tax is still declining due to the natural gas economy, and sales tax is over budget for the year. Mr. Winningham stated on the expenditure side of the street fund, personnel costs are under budget as is the capital outlay as we are saving this for the Central Landing project and other major street projects. Mr. Winningham moved onto the Sanitation Fund and stated we collected \$100,000.00 more than we budgeted on sanitation fees, the proceeds from the recycling materials had an outstanding year as we collected twice what was budgeted. Mr. Winningham stated the expenditures are all in line and the net revenue is just under \$2.2 million. Mr. Winningham moved onto the Airport Fund and stated this is our first full year of revenue and stated we have talked about fuel sales and the corresponding fuel for re-sale and how we were going to reign those in, based on 2015 numbers. Mr. Winningham stated the ground leases collected substantially more than budgeted as well as the increase from the Acxiom lease which generated more revenue for us; we will probably bring forth a budget ordinance to recognize some of these budget amendments that need to be done, and the miscellaneous revenues are over budget due to the buildings we sold. Mr. Winningham stated the expenditures are all well within the budget, and the net revenue for the year directly corresponds to the cash balance on the balance sheet, which puts us at approximately \$245,000.00 to start off 2016. Mr. Winningham stated the Major Projects Funds are all showing healthy balances right now. Alderwoman Smith motioned to approve the December 2015 financials. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

1. Report of Standing Committees:

A. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)

1. Consideration to approve the nomination of Mr. Odell Embry Jr. to the Conway Housing Authority Board.

Alderman Hawkins motioned to accept the nomination of Odell Embry Jr. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

2. Ordinance authorizing changes within the Conway Airport Department.

O-16-07

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Josh Zylks, Airport Director, explained when we created the Airport Dept. the staffing levels authorized were himself, 2 full time employees, and 1 part-time employee, and over the last year we have been very busy at the Airport and working many hours with minimal staffing. Zylks stated the part-time employee we have is very experienced and he would work more if allowed, but his part-time status limits this. Mr. Zylks stated his 2016 budget included an additional part-time employee but after looking at the numbers the current part-time person is interested in becoming full time; this would be an extra \$3,000.00 and allow us to have 4 full

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

time personnel. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

- 3. Resolution establishing the intent of the City to annex certain lands along Mill Pond Road and Bronnie Lane which have been completely surrounded by incorporated limits of the City.**

R-16-04

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell explained this consists of 2 islands of land; the Bronnie Lane is 2 tracts of land and Mill Pond Road is 1 tract; this does not annex the property it simply expresses our intent. There was no discussion. The motion passed 7-0.

- 4. Ordinance to rezone property located at 711 & 723 Factory Street and 700 & 714 First Street from R-2A to C-3.**

O-16-08

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Mayor Townsell stated Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Mayor Townsell asked if this will be the end of C-3 zoning. Bryan Patrick, Planning & Development Director, stated that would be his wish; this zoning is fairly historic for that block and this request would finish out the block. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

- 5. Consideration to approve a conditional use permit request to allow a bank in O-1 and O-3 zoning districts for property located at 2515 Prince Street and 975 Farris Road.**

Alderman Hawkins motioned to approve the conditional use permit request. Alderwoman Smith seconded the motion. Alderman Grimes stated he feels this is a good use for this corner but pointed out that banks have been known to sell and condition #7 limits the permit to Eagle Bank and asked if this sells, would this permit be null and void. Mayor Townsell stated yes, the way it is written and he has the same issue and stated if it would be the same land use, we should give the same allowance. Alderman Grimes stated in the future the city needs to be careful about expanding further southward down Farris Road. Alderman Pruitt asked about condition #5 regarding the dumpsters. Bryan Patrick, Planning & Development Director, stated the bank does not need a dumpster. Mayor Townsell stated the way it is written it would not allow construction dumpsters either. Mr. Patrick stated we can clarify that but the intent with condition # 5 involved day to day operations. Barry Williams, Crafton Tull & Associates, explained this location will be a 3,500 sq. ft. building with 20 + parking spaces and we have pushed the driveways out as far as we can. Mr. Williams stated the conditions listed are fine, except for the language to clarify #5 to allow construction dumpsters and #7 which limits the permit to Eagle Bank

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

only. Mayor Townsell stated we need to amend condition #5 to read “for normal operations, no dumpsters allowed” and condition #7 will read “the conditional use permit is limited to banking”. There was no further discussion. The motion passed 6-0.

- 1) Lobby and drive through hours of operation are limited to 7:00 am to 7:00 pm, Monday-Friday. Drive through may also operate 8:00 am – 2:00 pm on Saturdays. ATM may operate 24 hours per day 7 days per week.
- 2) A reduction in the required 20-foot residential landscape buffer on the south side adjacent to the drive through lanes is allowed.
- 3) Double the amount of development review required landscaping along the south residential boundary. One half of the required trees are to be evergreen species to provide additional buffering to the neighboring residence. An eight foot wooden privacy fence shall be constructed on the south residential property line. The privacy fence shall stop at an appropriate distance from the street right of way to not cause traffic sight line problems.
- 4) Exterior hours of construction are limited to 7:00 am to 7:00 pm Monday – Friday and 8:00 am – 2:00 pm Saturday. No exterior construction is permitted on Sunday.
- 5) For normal operations no dumpsters allowed.
- 6) 2515 Prince Street, identified as parcel number 710-08420-000 shall be removed from the approved 2008 conditional use permit number 1277. Permit 1277 shall be amended with all other conditions remaining unchanged.
- 7) Conditional Use Permit is limited to banking.

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

1. **Ordinance appropriating funds and authorizing the City to enter into an agreement with White-Daters & Associates for the professional service contract for Phase 2 of Conway Station Park.**

O-16-09

Steve Ibbotson, Parks Director, stated we are seeking approval for professional services for the design work and construction documents for this project. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. The amount for these services is \$19,000.00. There was no discussion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 6-0.

2. **Consideration to enter into a lease agreement with the Corps of Engineers for Old Ferry Landing Park.**

Mayor Townsell asked council to hold this item in committee and explained the lease the Corps of Engineers has offered is only for 2 years and we would like to expand this to our standard 25 years, due to the investment of time and resources it would take to upgrade the facilities.

Adjournment

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PASSED this 26th day of January 2016

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett