
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
August 25, 2015

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 Townsell, City Attorney Chuck Clawson, and City Clerk Michael O. Garrett. Alderman Jones was not in attendance.

Call to Order: Mayor Tab Townsell
Roll Call: City Clerk Michael Garrett

Minutes: August 11, 2015 City Council Meeting

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Employee Service Awards

5 Years

Charles Morris, Sanitation Dept.
Clay Hartness, Fire Dept.
Cody Hartwick, Street Dept.

10 Years

Regan Murphy, Sanitation Dept.
Preston Martin, Fire Dept.

15 Years

Lenose Haynes, Street Dept.

20 Years

Rhonda Sutton, Parks & Recreation Dept.

Monthly Financial Report July 31, 2015

Tyler Winningham, CFO, explained July is the second month where there were three payrolls which reflects on the bottom line which shows a loss for this month. Mr. Winningham stated sales tax was up last month 16%, which is the best increase we have had in several years but this month it is down 10.5%; year to date we are up approximately 2.5%. Mr. Winningham stated all other revenues and expenditures are steady. Mr. Winningham moved onto the Street Fund and explained the bottom line is healthy explaining the one-half cent turn back is recorded here and it is doing well. Mr. Winningham stated the severance tax is down due to slump in the natural gas industry but overall the revenues are slightly below where we would like them to be but the expenditures have been held down to the point where this is okay. Mr. Winningham moved onto the Sanitation Fund and stated it is very healthy as revenues are above average for this point in the year and expenditures below average and it is possible we the fund may end up better than it was budgeted. Mr. Winningham moved forward to the Airport Fund and stated revenues are holding steady compared to expenditures and the airport is showing a profit. Mr.

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Winningham stated the last sheet reflects our major project funds stating these all have healthy balances and will allow us to continue our projects through the rest of the year. Alderwoman Whitmore motioned to approve the July 2015 monthly financial reports. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Alderwoman Smith motioned to suspend the rules to add a resolution naming the Sanitation Complex and Road in honor of Cheryl Harrington. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

R-15-42

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell read the resolution to the audience and the viewing public and presented the resolution to Ms. Harrington's family. Mayor Townsell stated we will be changing out the signs at the complex to reflect these changes and the employees have raised money for a dedicatory plaque for inside the building.

1. Report of Standing Committees:

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

1. Consideration to enter into an easement agreement with Conway Community Services (Baptist Health - Conway).

Mayor Townsell stated this item and item 1A-2 (quit claim deed) are in anticipation of the City of Conway taking ownership of the land where the helipad will be constructed, and providing an easement back to Baptist Health - Conway; this will allow the grant application to the Arkansas Department of Aeronautics for funding and reminded everyone that the city is just a pass through for this grant. Mayor Townsell stated if the grant were not to be approved we would back out of these agreements. Alderwoman Smith motioned to approve the easement agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0-1. Alderman Hawkins abstained.

2. Consideration to approve a quit claim deed for property located at Lot 1B Conway Community Services Campus (Baptist Health - Conway).

Alderwoman Smith motioned to enter into the agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0-1. Alderman Hawkins abstained.

3. Consideration to enter into a side agreement with Seayco (Conway Commons) for right of way acquisition for the I-40 / 6th Street Overpass Project.

Mayor Townsell stated this agreement allows us right of entry onto Conway Commons, the properties associated with Conway Commons on the east side of I-40, which is necessary for us to construct the ramp up and out of the Conway Commons/Elsinger Blvd. for the overpass going over I-40. Mayor Townsell stated this has a tremendous impact on Conway Commons and the Mayor gave a synopsis of the agreement and the properties impacted; we

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are not only impacting the land but the operation of the shopping center. Mayor Townsell stated we are agreeing to do certain things but it does not get into the actual price of the land we are acquiring, as this will be negotiated at a later, but does give us right to entry. Alderman Hawkins stated it looks like we are creating another entrance to the Target side that will be accessed directly across the street from Home Depot access and asked if this is accurate. Mayor Townsell stated yes. Alderman Hawkins asked if we are building roundabouts in these areas. Mayor Townsell stated no. Alderman Hawkins asked why not. Mayor Townsell stated that will be something the developer will have to agree to as this is outside the scope of the project, and we had to deal with one thing at a time. Alderwoman Smith asked how when this will be completed. Mayor Townsell stated we anticipate October 2016. After some discussion Alderman Hawkins motioned to enter into this agreement. Alderwoman Whitmore seconded the motion. Alderman Grimes asked if we have identified and earmarked the funding for all the items we are responsible for in this agreement. Mayor Townsell stated this will be coming out of the same funding as street construction. Alderman Grimes asked if we have already money set aside for this. Mayor Townsell stated yes, absolutely and stated this is in the right of way category of the budget. Mayor Townsell stated we will get this up on the website as soon as we can. There was no further discussion. The motion passed 7-0.

B. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, and Conway Housing)

- 1. Resolution setting a public hearing to discuss renaming the Future Arkansas Highway 25 to Salem road.**

R-15-43

Alderwoman Whitmore motioned adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The public hearing will be held September 8, 2015 at 6:30 pm.

- 2. Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 404 Sixth Street as a result of incurred expenses by the City.**

R-15-44

Alderman Hawkins stated the cost of cleanup was \$189.45 (\$144.96 + Penalty \$14.49 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

- 3. Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 11 White Oak Drive as a result of incurred expenses by the City.**

R-15-45

Alderman Hawkins stated the cost of cleanup was \$392.78 (\$329.80 + Penalty \$32.98 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore

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motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

4. Ordinance accepting and appropriating grant funds for the Bicycle and Pedestrian Advisory Board.

O-15-86

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

5. Ordinance to authorize approval of the destruction of accounting records for the Finance Department.

O-15-87

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Tyler Winningham, CFO, asked council to allow an amendment to the ordinance in Section 1 changing the state statutes number to read "~~14-59-114~~"; this statute requires us to keep all records except the permanent records (which include journals, ledgers, and fixed asset records), for 4 years which would be records from 2010 or older; the permanent records are to be retained for 7 years. Alderwoman Whitmore motioned to adopt the ordinance with the amendments. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

6. Consideration to accept bid for the construction of fence along Sand Gap Road Levee fence adjacent to Conway Municipal Airport.

Finley Vinson, City Engineer, stated the original intent was our crew would build this fence during the winter months but we had very little downtime and stated the owner has been very patient with us and recommended the low bidder Bill's Fence Company, Inc. in the amount of \$28,324.00. Alderwoman Smith motioned to accept the low bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

7. Consideration to amend the contract with Garver to add construction management services for the I-40 / 6th Street Overpass Project.

Finley Vinson, City Engineer, explained this is specifically for the overpass and Garver's limit will be everything within the right of way and Garver will be the construction management service for this project as required by the Arkansas Highway and Transportation Dept. (AHTD). Mr. Vinson explained we have an additional \$100,000.00 added into Garver's contract to assist our 1 inspector on an on-call basis as he cannot inspect all the projects we

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have going on and will only be paid as needed. Mr. Vinson stated the estimated cost of these services for the bridge will be \$496,234.00 which is below our projected budget of \$500,000.00 for these services and asked council to approve this amendment. Alderwoman Smith motioned to approve the contract amendment. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

8. **Ordinance to amend the Northeast Old Conway Area Specific Plan to allow the development of a Cottage Courtyard located in Block 7 of the Burns Addition.**

O-15-88

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Bryan Patrick, Planning & Development Director, stated in 2009 we adopted the Northeast Old Conway Area Specific Plan for the Pine Street area and amendment is needed as we did not envision this type of project to allow for smaller lot sizes, lots without street frontage, reduced setbacks, and right of way dedication waivers. Mr. Patrick stated this will also add specifications for the development such as, maximum structure size, minimum lot size, structure height, and a porch requirement/porch size. Mr. Patrick stated whatever is approved tonight will have to go before the Historic District Commission as far as the actual structure designs. Mr. Patrick stated the lots will be fee simple for sale lots and there will be a courtyard and common area which will be owned by the property owners association, which this ordinance clarifies one should be established to collect monies dues to pay for these areas. Alderman Hawkins asked if only 4 of the homes would have garages. Scott Grummer, Planning & Development Dept., these will not necessarily be garages, they will be detached; the concept is for the houses that are surrounding will have street frontage and to give at least one car parking (carport or garage) based upon whether that house is a market or if it is affordable, and what can be afforded. Mr. Grummer stated 50% of the homes will be affordable and we will have additional grants that can assist in first time home buyer projects. Mr. Grummer gave a brief synopsis of the project from its beginning to the present day. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

9. **Consideration to approve conditional use permit to allow a childcare facility in an O-2 zone at property located at 2850 Allyson Lane.**

Alderman Hawkins motioned to approve the conditional use permit request. Alderwoman Whitmore seconded the motion. Mayor Townsell asked if concern was raised for access north to the large vacant property. Bryan Patrick, Planning & Development Director, stated that has been discussed, and at the July Planning Commission meeting the applicants approached this from a subdivision stand point the Subdivision ordinance requires some connectivity and they were requesting to "not continue the street"; they can go east or north and it could be cheaper to go north, and we felt that was a better compromise at this point, to open that land up that is in need of some access. Mr. Patrick stated the developer is putting off the benefits of the previous developer to the west who built Allyson Drive and they are extending it; the Subdivision ordinance states you must keep extending a street so everyone can continue to develop, and Mr. Patrick believes the plans are to turn the road northward.

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Mayor Townsell asked if there is any thought of turning it south. Mr. Patrick stated going south is problematic at this point. There was no further discussion. The motion passed 7-0. The condition for this request is as follows:

1. Hours of operation are limited to 6:00 am to 6 pm.

10. Consideration to approve a conditional use permit request to allow a single operator hair salon as a home occupation at property located at 44 Kensington Drive.

Alderman Hawkins stated the applicant has requested to withdraw this request and motioned to withdraw this request. Alderwoman Smith seconded the motion. Mayor Townsell stated this is a complete withdrawal. There was no discussion. The motion passed 7-0.

11. Ordinance to require a conditional use permit to establish a shelter for the homeless in the C-1 Central Business, RMH Mobile Home, and TJ (Territorial Jurisdiction) zoning districts.

O-15-89

Alderwoman Mehl motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 7-0. Bryan Patrick, Planning & Development Director, stated this ordinance does not remove the possibility of having a homeless shelter in the downtown area; it was drafted in response to the Ministry Center's request which is in a C-3 zone and is east of Harkrider. Mr. Patrick stated to the west of Harkrider is zoned C-1 and our Zoning ordinance allows for a homeless shelter in C-1 downtown area by right which seems a bit unfair to ask for a conditional use request in a C-3 zone and you can also look at the downtown area where there has been substantial reinvestment of the area, so it seemed appropriate to require a conditional use permit to put conditional controls as needed on a shelter in a C-1 downtown zoning district. Mr. Patrick stated this also opens up other areas which have not been allowed to have homeless shelter at all which are RMH Mobile Home and TJ (Territorial Jurisdiction) zoning. Alderman Grimes motioned to adopt the ordinance. Alderman Pruitt seconded the motion. Jarrod Bridgeman, Conway resident, thanked council for bringing this subject up as this is an important issue for many people in the city. Mr. Bridgeman stated he believes Conway is a great city and offers a great school system and economic development, but more than that it is the people and how much the people of this city care about one another. Mr. Bridgeman stated when there is a problem people work alongside one another to find solutions which include City of Hope Outreach, Ministry Center, Renewal Ranch and Bethlehem House and today we have an opportunity for city government to reflect those values of our people who want to help others especially those who want to help those who cannot help themselves for whatever reason. Mr. Bridgeman stated the latest count of homeless people is over 150 in Faulkner County and the majority of those are in Conway and we know that the Ministry Center has come up with a solution to have a homeless shelter. Mr. Bridgeman stated they have the idea that they can take care of the basic need of housing these people then they can help them become productive members of society by helping them with job training, transportation, education. Mr. Bridgeman stated at the last Planning Commission meeting the members were divided on this ordinance but feels if the city feels this is the best way going forward, and it is the best way we can serve the homeless then he ask that we immediately look for a solution and not

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put this on the back burner. Mayor Townsell stated our decision to deny the Ministry Center's request was a locational decision but we committed ourselves to make sure we do find a location and he and another council member have talked to them to have a more specific discussion about other locations that we can look at. Mayor Townsell stated this is not related to those, this is a situation that was highlighted by this request and the main thing driving this is the C-1 which is the new revitalized downtown area and the Mayor is not comfortable saying that a homeless shelter of any kind can come in here without the possibility of regulation. Mayor Townsell stated he trusts that the Ministry Center will do a good job but not everybody will and this is to protect and add the extra step; we may not put conditions on a homeless shelter in the downtown area and we are not saying it is inappropriate for the downtown area, it just adds a measure of protection. Mayor Townsell stated it does not open up "by right" to start a homeless shelter in other zones; this may be something that is problematic and you could say put them in the Industrial Zone which could be problematic for the homeless shelter by being forced into this zone and it could be problematic for the industry but stated the possibly does exist that we can look at this even more as we get further into finding a location for the Ministry Center and find other zones that we would be willing to open up to allow a homeless shelter "by right". Mayor Townsell stated this ordinance opens up 2 zones for conditional use that were previously closed, but particularly closes this one. Mayor Townsell stated he is committing to you and the Ministry Center that we are trying to find a location. Ben Muller, loss prevention officer, spoke in opposition of a homeless shelter and stated homeless people do steal and that loss to a store will ultimately be passed onto the consumer and supports this ordinance to amend the Zoning ordinance. Spring Hunter, Ministry Center, stated the city has made efforts to show us additional properties that may be acceptable to house the homeless population and we are taking steps forward. Ms. Hunter asked if council could establish a list of criteria or add criteria to this ordinance so other non-profits or individuals who want to start a homeless would know if one location is more feasible than another as she feels it is too vague to say that all locations in the city regardless of the zoning, would be subject to a conditional use permit without having guidelines. Mayor Townsell stated that may be more problematic than it sounds because each land use decision is specific to what is surrounding it; there are things we would ask any homeless shelter to meet and additional things that might be specific to that location and stated we can give guidelines like that, but finding a way around letting the surrounding residents/businesses weigh in is probably not something we would do. Alderman Grimes stated any group looking to open a homeless shelter should get with the city early in the process rather than later. Alderman Pruitt stated communication is key and he did not know about the request until it was on the council agenda. Ms. Hunter asked if the city have some guidelines as far as what you are looking at for a property that would be appropriate in moving forward. Mayor Townsell stated he would prefer to have it within a certain arc, it would need to be sensitive to what is around it and the zoning involved; there are a host of things that we cannot put a "cookie cutter" formula together to fit and suggested getting with the council and the planning department if a location is found that you would like us to consider, as we are committed on helping you find a good location. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

C. Public Safety Committee (Police, Fire, District Court, CEOC, Information Technology, City Attorney, and Animal Welfare)

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1. Ordinance appropriating reimbursement funds from various entities for the Animal Welfare Unit.

O-15-90

Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 7-0. Aldерwoman Smith motioned to adopt the ordinance. Aldерwoman Whitmore seconded the motion. Mayor Townsell stated the funds came from Pet Smart (Rescue Wagon Grant/Rescue Wagon) for a total amount of \$8,039.66. There was no further discussion. The clerk called the roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерman Pruitt, Aldерwoman Mehl, Aldерman Ledbetter, Aldерwoman Smith, and Aldерwoman Whitmore. The motion passed 7-0.

2. Ordinance appropriating reimbursement funds from various entities for the Conway Police Department.

O-15-91

Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 7-0. Aldерwoman Smith motioned to adopt the ordinance. Aldерwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерman Pruitt, Aldерwoman Mehl, Aldерman Ledbetter, Aldерwoman Smith, and Aldерwoman Whitmore. The motion passed 7-0. The reimbursement funds are as follows:

- Affair of the Heart - \$1,509.85 - Extra Duty Services
- Insurance Companies - \$1,125.48 - Insurance Proceeds
- Arkansas State Police - \$2,406.43 - DUI/Seat Belt Grant
- District Court - \$26.10 - Restitution

3. Ordinance authorizing a change in staffing levels for the Information Technology Department.

O-15-92

Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 7-0. Aldерwoman Whitmore motioned to adopt the ordinance and the emergency clause. Aldерwoman Smith asked if an emergency clause is needed. Lloyd Hartzell, IT Director, stated yes. Aldерwoman Smith seconded the motion. Mr. Hartzell stated at the moment we have a very understaffed IT Department which does not allow us to have backup for any employees to take time off and most of them work 10-12 hours a day, get calls on weekends etc. Mr. Hartzell stated this would give us a second Network Administrator and he is hoping to move Bob Blanchard to that position as he just passed his Microsoft Certifications, in fact he currently he does network administration duties. Mr. Hartzell stated we would not fill Mr. Blanchard's supervisory position which would be proposed in the 2017 budget and we would hire another Telecommunications Engineer and another Computer Support Specialist. Mr. Hartzell stated he has included an impact study to show what it would cost this year which is \$48,000.00,

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and in 2017, if we replaced Mr. Blanchard's position the cost will be \$51,000.00, and stated what is offsetting this money is the radio maintenance that we will not have to pay once we purchase a new system and it looks like we it will be mid 2016 before we get a system online. Mayor Townsell stated we will be looking at how to fund this new system next month but it is imperative that we do this. Mayor Townsell stated I have held the IT Department at bay for too long and it is time we pay the fiddler and hire the staff we need. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

R-15-46

Mayor Townsell stated we have another item to be discussed and stated this was a last minute request and is a "*Resolution expressing the willingness of the city to utilize federal-aid funds for the Dave Ward Drive Adaptive Signal Control Project*". Mayor Townsell stated this will allow us to coordinate the traffic signals on Dave Ward Drive so they will work on their own to move traffic and be more responsive to the conditions on the road on any given day rather than trying to set a pre-determined timing pattern. Alderwoman Whitmore motioned to suspend the rules to add the resolution to the agenda. Alderman Hawkins seconded the motion. The motion passed 7-0. Finley Vinson, City Engineer, this has been discussed on a few occasions and explained we have our 20% match in this year's budget and is required to accept the federal dollars and explained the project is likely over budget, but this is not an issue for this year's budget. Mayor Townsell stated this resolution would allow Metroplan to meet their obligation requirements with the Arkansas Highway and Transportation Dept. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Adjournment

PASSED this 25th day of August 2015

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett