
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
October 10, 2006

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 Jones, Alderwoman Smith, Alderman Grimes, Alderwoman Whitmore and Alderman Weeks and Alderman Bell. Also, present and acting: Mayor Tab Townsell and City Attorney Michael Murphy. Alderman Brewer and City Clerk Michael Garrett were not present.

1. *Call to Order*

2. *Roll Call*

3. *Minutes: September 26, 2006*

Alderwoman Whitmore stated that in the recognition of guests Michael Webb should read Michael Welch. Alderman Weeks motioned to approve the amended minutes. Alderwoman Smith seconded the motion. The motion passed 7-0.

4. *Recognition of Guests:*

5. *Public Hearings:*

A. *Public hearing to discuss CDBG funding for 2007.*

Mayor Townsell opened the public hearing. Lynn Keith addressed the council stating she believes the City will receive approximately \$400,000 in grant money and no recommendations are being made at this time. Mayor Townsell closed the public hearing.

6. *Report of Standing Committees:*

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

1. *Resolution in support of higher education bonds for the University of Central Arkansas.*

Alderman Weeks motioned to adopt the resolution. Alderwoman Smith seconded the motion. The motion passed 7-0.

2. Consideration of a parking lot variance for Hank's Furniture located at 650 Museum Road.

Mayor Townsell stated that Hank's is asking to have 58 parking spaces. Alderman Bell motioned to approve the parking lot variance. Alderwoman Smith seconded the motion. Don Potter, Tim Tyler Surveying, representing Hank's Furniture stated Hank's is adding an additional row of parking. Alderman Grimes noted that the request states the applicant may also request variance on interior and exterior green space requirements and asked if this is something that may be requested later. Mr. Potter stated they could put their green space against the outermost row of parking or put it by the interstate right of way, but would prefer to forgo the green space unless the City feels it is necessary. Alderman Weeks stated he doesn't want to see the green space done away with. Mr. Potter stated that more than 6 ft. of green space can be put in if it is put between the parking and the interstate right-of-way or 6ft. of the parking can be taken and curbed and no parking will be lost. Mr. Potter stated they are o.k. with 51 spaces. Alderman Bell and Alderwoman Smith stated they were in agreement of the 51 spaces. There was no further discussion. The motion passed 7-0.

3. Ordinance to create a Conway Traditional Neighborhood Development Overlay District.

O-06-134A

Mayor Townsell stated there is a new legal description in this ordinance as it does allow the city to apply this to other areas, but does apply it directly to the Hendrix College legal description. The Mayor went onto say that anything that might be added would have to be brought before the city council. Alderman Grimes motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Grimes motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no further discussion. The Mayor called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 7-0.

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

1. Consideration of bids for a 2 yd compactor w/ 40 yd. receiver box for C.H.A.

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Mayor Townsell stated the recommendation is to accept the low bid from Downing Sales for \$20,230.17. Alderman Bell motioned to accept the low bid. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

2. **Ordinance authorizing the acceptance of bids & appropriation of funds for asphalt overlay at Laurel & Gatling Park.**

O-06-135

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

3. **Ordinance appropriating funds for three backstops for the Conway Parks Dept.**

O-06-136

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 Mayor called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 7-0.

4. **Ordinance appropriating funds to replenish the ground maintenance account for Parks & Recreation.**

O-06-137

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

C. *Public Safety Committee (Police, Fire, Dist. Court & City Att., & Animal Control)*

1. **Ordinance appropriating funding for expense related to District Court automation.**

O-06-138

Donna Clifton, District Court Clerk, was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The Mayor called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 7-0.

2. Discussion (Update) on credit card usage in the past six months at District Court.

Donna Clifton, District Court Clerk, addressed the council and stated since they have started taking credit card payments District Court has taken in \$123,492.46 in fines at a cost to them of \$2,376.76.

7. *Old Business*

A. Resolution accepting Jeanna Drive as a public city street.

R-06-34

Michael Murphy, City Attorney, stated this annexation could pose an issue in the future if the street is widened and Bill Bethea, Conway Corporation, expressed to him they would like the city to explore ways that an additional 15 ft. utility easement could be obtained in addition to the 50 ft. right-of-way. Mayor Townsell stated that we would capture that 50 ft. easement and the waterline, if it is on the edge of the pavement, would not be in that easement. Ronnie Hall, City Engineer, stated that was correct and went on to say Conway Corporation must want the additional easement to relocate their waterline if the road is widened. Mr. Murphy stated he suggested to Mr. Bethea that Conway Corporation and the city discuss this issue further. Alderman Hawkins motioned to hold this item in committee. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

B. Consideration of a conditional use permit for a transmission tower/station (cell tower) on property located in the North Plaza Shopping Center at 2125 Harkrider Street.

Gill Tomlinson, Alltel Engineer, addressed the council and explained their existing tower, located on the ridge north of Conway, cannot handle all the cell phone activity. The purpose of this tower is to allow 3 sectors that will allow the traffic be split among 3 different set of antenna's. Alderman Weeks stated he is concerned that it is so close to a residential area. Mr. Tomlinson suggested the council look at allowing

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this tower to be taller so other cellular providers can get on this tower or they will be coming to the city asking to build a new tower. Alderman Grimes asked how many companies can co-locate on a 120 ft. tower. Joel Taylor, Didicom LLC, stated he could put 3 companies on the tower. Alderwoman Smith motioned to grant the conditional use permit with the conditions listed below. Alderman Weeks stated he would like to see the council set up a formal process where the city partners with cellular providers when they are looking for areas to locate cellular towers.

- 1) Didicom, LLC may erect a 120 ft transmission tower that must be of monopole construction and flagpole design with no external antennae or cabling allowed and painted to match the color of other structures in the North Plaza Shopping Center.
- 2) A minimum 10 ft high concrete block fence painted to match other structures in the North Plaza Shopping Center is required.
- 3) No signs, banners, advertising, or flags allowed except that signage required by the FCC.
- 4) No lighting allowed except that required by the FAA and emergency lighting inside the compound.
- 5) This conditional use applies to the submitted drawing and legal description of the 18 foot by 33 ft lease area only.

There was no further discussion. The motion passed 6-1. Alderman Weeks voted in opposition.

C. Consideration of an ordinance creating an Old Conway Design Overlay District.

O-06-139

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Mayor Townsell stated Alderman Brewer, who is not present, requested the following changes to the ordinance.

- ***Page 4 - Section 6 (4 -Materials and Detailing): I –colors*** be stricken.
- ***Page 6 – Landscaping & Tree Preservation:*** The following sentence *“No street tree shall be planted over or within 3 lateral feet of any underground water, sewer or electrical lines (excluding telephone, cable television and individual service lines.)”* will be changed to read ***“ No street tree shall be planted over or within 5 lateral feet of any underground water, sewer, electrical or cable television lines (excluding telephone and individual service lines.)”***.

Alderman Grimes requested that ***“significant”*** be removed from ***#5 Landscaping & Tree Preservation” on page 7***. The council was in agreement. Alderman Grimes motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore

seconded the motion. There was no further discussion. The Mayor called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderwoman Smith, Alderwoman Whitmore, and Alderman Bell. The motion passed 7-0.

Alderman Whitmore motioned to suspend the rules in order to remove the moratorium on the issuance of residential building permits in Old Town Conway. Alderman Grimes seconded the motion. Alderman Hawkins motioned to lift the moratorium. Alderman Weeks seconded the motion. There was no discussion. The motion passed 7-0.

8. *New Business*

A. Consideration of the selection of a bond counsel & underwrite for the City of Conway.

Mayor Townsell stated the recommendation out of committee was to select Kutack Rock as bond counsel and to select Stephens Inc. as underwriter and splitting the bonds between the two. Alderman Grimes motioned to select Kutack Rock as counsel and Stephens Inc as underwriter. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 5-0-2. Alderman Weeks and Alderman Bell abstained.

B. Consideration of moving the December 26th City Council meeting to an alternative date.

Alderman Grimes motioned to move the Tuesday Dec. 26, 2006 council meeting to Thursday Dec. 28, 2006. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

C. Annual Resolutions for Quorum Court

Alderman Grimes motioned to pass the following 7 resolutions in mass. Alderman Bell seconded the motion. The motion passed 7-0. City Attorney, Michael Murphy, read the title to the resolutions. Alderman Bell motioned to adopt the resolutions. Alderman Weeks seconded the motion. There was no discussion. The motion passed 7-0.

R-06-35

- 1. 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-06-36

2. **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 the exclusive purpose of operating and maintaining the cemeteries for the City of Conway.**

R-06-37

3. **Resolution of a levy of one and nine-tenth's (1.9) 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-06-38

4. **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-06-39

5. **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-06-40

6. **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-06-41

7. **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.**

Adjournment

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There was no further discussion and the meeting was adjourned.

PASSED this 10th day of October 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett