
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
July 11, 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 Brewer, Alderman Grimes, Alderwoman Whitmore and Alderman Weeks. Alderman Bell was not in attendance. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett.

1. *Invocation, Pledge, Call to Order*
2. *Roll Call*
3. *Minutes:* Alderwoman Whitmore motioned to approve the June 27, 2006 minutes. Alderwoman Smith seconded the motion. The motion passed 7-0.
4. *Recognition of Guests:*
5. *Public Hearings:*

A. Sign Ordinance (Consideration of proposed changes for a new sign ordinance)

Mayor Townsell opened the public hearing. George Carroll spoke in reference to political signs and stated that his research found that restricting the size of a political sign and limiting the time it could be up has been ruled unconstitutional and recommended that these items be removed from the proposed ordinance. Larry Rathjen stated he would like to see the city council meetings televised. Robert Edwards, Mr Brake & Lube, stated that small businesses in Conway depend on signs so the public will know where they are located. He asked when do the signs that are grandfathered in have to come down. Mayor Townsell stated that the current ordinance reads when any kind of destruction or damage occurs to a sign for instance, if the pole gets knocked down, the sign would have to come down. If the sign on top of the pole is damaged then a new sign can go back on top of the pole but would have to conform to the size regulations. Jack Sotallaro, Pak Mail of Conway, stated he would like to see the council sit down with the individuals this new ordinance is going to affect so their input can be considered even if it take six (6) more months to do so. Barbara Steeps, Hog Pen Corner, spoke in opposition to the proposed sign ordinance stating it would hurt her business and possibly make her have to close her business. Mayor Townsell stated that downtown businesses can come before the council and request exceptions. Tom Gibbens, Lamar Outdoor Advertising, spoke against the proposed sign ordinance and feels what is currently in place is adequate. Kelly Tyler, Kreationz Day Spa, stated her business has been open for eight (8) months and she has tracked here clientele and most has come from her billboards and spoke against the proposed sign ordinance. Jasper Burton, Cuerden Sign Co., stated he feels the proposed ordinance is severely restrictive and feels the City should back up and look at ways of making it better and he is prepared to help in any way he can. Scott Stevenson, Conway resident, stated that what is seen on Harkrider and Oak streets is unacceptable

and asks that the City be careful grandfathering old signs and allowing variances. He has been in other towns where Wal-Mart is made out of Adobe and McDonalds in a colonial building and he found them and thanked the council for taking this on. Mayor Townsell closed the public hearing. There is another public hearing set for July 25, 2006.

6. Report of Standing Committees:

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

1. Ordinance appropriating a Historic District for the Historic District Commission.

O-06-88

Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 7-0. Lynn Keith stated that the title is wrong and it should read "*training for commissioners*" not "*for the creation of design guidelines*". Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderman Smith, and Alderman Whitmore. The motion passed 7-0.

2. Consideration of an extension to the Old Town Conway Moratorium.

Bryan Patrick, Planning Director, stated they are making headway on guidelines on how to build in Old Conway but stated there is not enough time to complete the guidelines before the July 15th deadline and he requested an extension until August 22nd. Alderman Hawkins motioned to grant the extension. Alderman Smith seconded the motion. There was no discussion. The motion passed 7-0.

3. Consideration of a park impact fee credit by Rausch Coleman Homes for property known as the Crossings on the Green located approximately .15 miles north of the intersection of East German Lane and East Oak Street at the western Termination of Village Commons (under construction).

Michael De Neve, Rausch Coleman Homes, stated that this would serve as a neighborhood park specific to the neighborhood that it is being developed in and will be maintained by Crossings on the Green property owners association at no cost to the city and requesting a 50% waiver of the park impact fee. Alderman Hawkins asked Bryan Patrick if the impact fee is based on the number of units. Mr. Patrick stated that was correct but in this instance it has not been determined yet but the park impact fee would be based on single family square footage. Alderman Hawkins asked what the fee would be on a single family at 100% of the park impact fee. Mr.

Patrick stated \$73,278.00. Alderman Hawkins stated that this PUD is in a fairly private location and does not feel that people will drive there to participate in activities. Alderman Grimes motioned to deny the request. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-1. Alderman Hawkins voted not to deny.

4. **Consideration of a request by Hammett Properties for an Old Conway Moratorium exception for property lying between Donaghey Ave & Augusta.**

Bill Adkisson, representing Mary and Bill Hammett, was present to answer questions. Alderwoman Smith motioned to approve the exception request. Alderman Brewer seconded the motion. There was no discussion. The motion passed 7-0.

5. **Ordinance appropriating funds for the additional Western Loop Wetland Studies.**

O-06-89

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

B. Personnel

1. **Ordinance to appropriate funds for Civil Service testing for the Police & Fire Department.**

O-06-90

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

7. *Old Business*

A. Ordinance (O-06-42) abolishing the uniform employee code ordinance O-01-13 and all related codes, ordinances, resolutions, rules & regulations.

O-06-42

Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

8. *New Business*

A. Consideration of Mid-Year Adjustments.

O-06-91

The Mayor suggested putting in a new telephone system at Animal Welfare and adding 6 (six) new police officers. Alderman Brewer suggested adding one more to the officers with the addition of another code enforcement officer. Mayor Townsell stated he was going to submit hiring 2 (two) additional code enforcement officers and pay for them with increased planning and permitting fees. Alderman Brewer stated he would then like to suggest adding 2 (two) additional code enforcement officers. The Mayor asked if Alderman Brewer if he was o.k. with hiring civilian employees for these positions. Alderman Brewer stated he would like to see them being sworn officers as he feels they would carry more weight. Mayor Townsell stated he was against having sworn officers. Alderman Hawkins suggested starting the position(s) out as non-uniformed person and change it later if necessary. Alderman Brewer motioned to start advertising for 2 (two) code enforcement officers. Alderman Hawkins seconded the motion. The motion passed 7-0. Mayor Townsell stated that increasing telecommunicators at CEOC is critical to stay on top of the work load and would like to add 4 (four). Alderman Brewer asked if there was one dispatcher that is solely dedicated to dispatching for fires. Mayor Townsell stated that we have that but they have to cover other things when an emergency comes up. Alderman Brewer asked if this increase in personnel will allow us to have a dedicated person dispatching for fire. Mayor Townsell stated no, that if you want to add a fire dispatch you will need to add another seat and that requires another 5 or 6 people. Alderman Brewer motioned to adopt the ordinance as amended and the emergency clause. Alderman Grimes seconded the motion. The motion passed 7-0. Alderman Brewer motioned to waive the readings of the ordinance. Alderman Grimes seconded the motion. The motion passed 7-0. The Mayor stated that the amount for this budget adjustment is \$255,980 for adding 4 (four) telecommunicators and 6 (six) police officers along with all the other small line items. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins,

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Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

Alderman Brewer motioned to suspend the rules to go into executive session. Alderwoman Smith seconded the motion. The motion passed 7-0. After convening Mayor Townsell stated that no action was taken during the executive session and the discussion was in reference to a complaint filed against Police Chief Aragon. Mayor Townsell is in possession of the complaint and stated he still has the right to adjudicate the complaint and he will review the circumstances.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 11th day of July 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett