
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
July 25, 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: July 5th, & July 11th, 2006*

Alderman Grimes stated the July 5th minutes, page 2, "Jimmy Cole" should read "Jimmy Toal". Alderwoman Whitmore stated the July 5th minutes, page 1, "The Better Man Signs" should read "The Banner Man Signs". Alderwoman Smith motioned to approve the minutes as amended. Alderman Grimes seconded the motion. The motion passed 7-0.

4. *Recognition of Guests: Employee Service Awards*

5 yrs of service: David Anthony – Information Management Supervisor
15 yrs of service: Officer David Short
25 yrs of service: District Chief George Newton

5. *Public Hearings:*

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

1. **Ordinance readopting a new sign ordinance as section 1301 of the Conway Zoning ordinance.**

Mayor Townsell opened the public hearing. Robert Edwards stated he feels that the Council should pass rules and regulations that apply equally to each citizen and business. Bill Brents, Genesis Signs, spoke against the proposed sign ordinance. Glen Rega, Watson Rankin & Assoc. Real Estate Co., stated that most real estate signs in this area are 24 X 24 and their signs are 18 X 24 in the middle section and 6 X 24 for the top rider sign and 6 X 24 for the bottom rider sign. He stated that with the proposed ordinance his company would be out of compliance and would have to obtain a permit and this would have a financial impact for every real estate company in town and is asking the council to consider this as a variance. Larry Rathjen stated that on Nov. 22, 2005 the council voted to allow a sign placed in public right of way that says "Apartment Parking only". The apartments are owned by American

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Management and \$2,500.00 was spent to give them that right of way and that Alderman Jones asked at that time “why are we voting on this a year after the fact”. He stated that this proposed ordinance is putting others at a disadvantage. He suggested taking the two new code enforcement officers and let them clean up the current sign problems before you start regulating the businesses. Barbara Steeps, Hog Pen Corner, asked if her inflatable Hog would have to go. Mayor Townsell stated that the Hog is considered art not signage. Jim Rankin stated he obtained a conditional use permit to build warehouse properties located behind Townsend Center on North Donaghey and under the current ordinance if he were to build a warehouse with no advertising, under the proposed ordinance he would have to tear down the signs at KFC, Dairy Queen, First State Bank, Shell Station, Washington Park, Mazzio’s and put up monument signs. He stated he talked with Bryan Patrick, Planning Director, who concurs with this due to there being no definition for “primary structure”. He feels like this is something that should be addressed and feels you should not take away the opportunity to request a variance because in his case his land is not platted. He would also like to see banners allowed in C2 zoning. Scott Brooks, Pam McDowell Properties, stated their standard signs are 18 X 24 and if you add some riders on it there will be a problem. Regarding commercial/industrial properties where you have a large vacant lot, regardless of what it is zoned, a small sign will get lost on a large piece of property and they normally use a 4 X 4 plywood sign on this type of property. Michael Phillips, The Street of Signs, stated he opened his business this year and if the proposed sign ordinance goes through his business would not survive and spoke against the proposed ordinance. Kevin Watson stated there are some good things in the proposed ordinance, but also some things that would be detrimental and he suggested tabling the ordinance and forming a committee to work on it. Tom Holliday spoke against the Planning Director being the only person to approve or disapprove a variance request and suggested letting code enforcement clean up the signs that now exist and enforce the ordinance that is already in place. George Covington spoke against the proposed ordinance. Larry Thompson, American Signs, stated that there should be a variance process in place within the proposed ordinance and feels the size limitations are too restrictive. Nancy Barr, citizen, stated the concerns of the business owners are valid, but applauds the efforts of the Mayor and council in trying to improve Conway as a whole. Jasper Burton, Cuerden Sign Co., spoke against many aspects of the proposed ordinance. Diane Robins and Aaron Knight, citizens, spoke in favor of the proposed ordinance in order to move Conway forward and make our city look better. They both stated it’s important to listen to the concerns of the business owners and would like to see a variance allowed. Mayor Townsell closed the public hearing. Alderwoman Smith stated she feels like a committee should be formed to review the proposed ordinance further. Alderman Jones stated there are too many gray areas and feels that a committee should be formed and research the proposed ordinance further. Alderwoman Whitmore stated she feels the proposed ordinance needs to be looked at further by a committee in a timely manner. Alderman Brewer stated we should enforce the laws that we now have in place and clean up the neglected areas. Alderman Brewer went on to say that a committee should be formed that represents

all the elements to make this ordinance better for all. Alderman Brewer moved to establish a committee composed of a cross section of all involved parties to study the proposed ordinance and come up with something realistic. Alderwoman Whitmore seconded the motion. Alderwoman Smith stated she would like to hear the other comments. Alderman Hawkins stated that the lack of a variance request is a common issue tonight, but doesn't know if he is in agreement with this and is concerned that we have not enforced the laws we now have. Alderman Grimes stated there are a lot of things in the ordinance that need to be cleaned up and agrees a committee should be formed to make it better. Alderman Weeks stated he would like to see this draft improved and make it a final version and have a vote. Alderman Brewer called the question. The motion passed 6-1. Alderman Weeks voted in opposition of the question. There was not further discussion and the main motion on the floor was voted on. The motion passed 6-1. Alderman Weeks voted in opposition. Mayor Townsell asked who would be on the committee. Alderman Jones stated that we need no more than one person from the sign industry, one or two business owners, Jim Rankin and a council member. Alderwoman Smith suggested a planning commission chair as well, Alderman Jones concurred. Mayor Townsell asked if the committee will recommend a re-write. Alderman Jones and Alderwoman Whitmore suggested working with the draft and address the issues that have been voiced. Alderman Hawkins stated he would like to see a time limit put on this. Alderman Jones motioned to have one person from the council, the planning director, one developer, two small business owners, one citizen, and one person from the sign industry and give them one month to review and make recommendations, then have the council meet and look at the findings prior to a council meeting. Alderman Hawkins stated he would volunteer as a small business owner. Alderman Grimes stated he would volunteer as a council member. Alderwoman Smith suggested have another business owner that is not a council member. Alderwoman Whitmore suggested Robert Edwards. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 6-1. It was decided after some discussion that the committee meet on Thursday July 27, 2006 at 6:00 PM at City Hall. Mayor Townsell stated since the committee has two council members on it, the meeting will be open to the public to listen and observe.

6. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, CDC)

1. Ordinance revising a cross-connection control program for the City of Conway.

O-06-92

Tommy Shackelford, Chief Operating Officer Conway Corporation, stated they are asking to make provisions and updates to what already exists. 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.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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

1. Consideration of the City entering into a contract with Faulkner County Council of Aging for transportation services.

Alderman Hawkins motioned to enter into the agreement. Alderman Weeks seconded the motion. There was no discussion. The motion passed 7-0.

2. Consideration of the 2006 CDBG contract agreements.

Lynn Keith was present to answer questions. Alderwoman Smith motioned to approve the contracts. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-1. Alderman Brewer voted in opposition.

3. Consideration of the nomination of Mr. Todd Smithart to serve on the Planning Commission for a term to expire on December 31, 2010.

Alderman Hawkins motioned to accept the nomination of Todd Smithart. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

4. Consideration of a conditional use permit to allow a bank w/ drive through for property located at 4055 College Ave.

Alderwoman Smith motioned to grant the conditional use permit. Alderman Jones seconded the motion. There was no discussion. The motion passed 6-1. Alderman Hawkins voted in opposition.

5. Consideration of accepting a bid for Country Club Road Improvements from Prince St. to College Ave.

Ronnie Hall, City Engineer, was present to answer questions and recommended the project be awarded to Robinson Backhoe & Dozer Service, the bid amount was \$127,596.50. Alderman Brewer motioned to accept the low bid from Robinson Backhoe. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0.

6. Ordinance appropriating funds for Country Club Road Improvements from Prince St. to College Ave.

O-06-93

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 7-0. Alderman Whitmore motioned to adopt the ordinance. Alderman Smith seconded the motion. 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.

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

1. Consideration of accepting a bid for a Wastewater Lift Station and Force Main for the Conway Sanitation Dept.

Ronnie Hall, City Engineer, stated the only bid received was from Paladino-Nash in the amount of \$74,313.75. Alderman Brewer motioned to accept the bid. Alderman Smith seconded the motion. There was no discussion. The motion passed 7-0.

2. Consideration of accepting bids for a Residential Trash truck & a trailer mounted chipper for the Conway Sanitation Dept.

Duane Campbell, Sanitation Dept., suggested they accept the bid from Barloworld. Alderman Brewer motioned to accept the bid from Barloworld with the extended 2 yr. cylinder warranty (\$180,621.00). Alderman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Alderman Smith motioned to accept the low bid, on the mounted chipper, from Downing Sales for \$28,360.00. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

3. Ordinance appropriating funds in the amount of \$178,621 for a Bridgeport Residential Trash Truck for the Conway Sanitation Dept.

O-06-94

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 7-0. Alderman Smith motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion. The Mayor stated the corrected amount is \$180,621.00. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 6-0. Alderman Grimes was not present at the time of the vote.

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

1. **Ordinance to allow firefighters on the deferred retirement option plan (“drop”) to extend the participation period up to ten years.**

O-06-95

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Brewer motioned to adopt the ordinance and the emergency clause. Alderman Hawkins 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.

2. **Ordinance appropriating grants fund in the amount of \$5,343.10 from the Arkansas State Police Highway Safety Grant to the CPD.**

O-06-96

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 Jones 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.

3. **Ordinance appropriating donated funds in the amount of \$3,000 from the Wal-Mart Foundation for Community Policing for the CPD.**

O-06-97

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Lt. Bob Berry was present to answer any questions. 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 Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

4. **Consideration of reclassifying an animal welfare unit kennel technician position from part time to full time at the Animal Welfare Unit.**

Alderwoman Smith motioned to reclassify the position. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

E. Personnel

1. Resolution to remove the Conway Emergency Operations Center (CEOC) from the City of Conway Police Department and create a separate CEOC department.

R-09-24

Alderman Brewer motioned to have Lloyd Hartzel's position be administrative and to adopt the resolution. Alderman Weeks seconded the motion. There was no discussion. The motion passed 6-0. Alderman Hawkins was not present for the vote.

2. Ordinance appropriating funds for two additional code enforcement officers & equipment for the City of Conway Permits Department.

O-06-98

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 and the emergency clause. Alderman Brewer seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 6-0. Alderman Hawkins was not present at the time of the vote.

7. Old Business

8. New Business

- A. **Resolution to move Conway Fire Station 6, currently located at 1690 S. Donaghey Ave to the Fire Training Grounds located on Sturgis Road. (Information will be provided)**

R-06-25

Alderman Weeks motioned to adopt the resolution. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0. Alderman Weeks motioned to adopt the emergency clause. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 25th day of July 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett