
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
July 26, 2011

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, Alderwoman Smith, Alderwoman Mehl, Alderman Rhodes, Alderwoman Whitmore, Alderman Jones, Alderman Vaught, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

Call to Order

Roll Call

Minutes: July 12th, 2011

Alderwoman Whitmore motioned to approve the July 12, 2011 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 7-0.

Announcements / Proclamations / Recognition: Employee Service Awards

10 Years

David Anthony – Information Technology Dept.

20 Years

Officer David Short – Police Dept.

30 Years

District Chief George Newton – Fire Dept.

Alderman Vaught entered the meeting in progress.

1. Report of Standing Committees:

Alderman Grimes motioned to suspend the rules to add an item to the agenda. Alderwoman Smith motioned to suspend the rules to add an item to the agenda. Alderwoman Mehl seconded the motion. The motion passed 8-0.

R-11-35

Resolution naming the Conway Optimist Youth Football Field at Curtis Walker Park “Peyton Hillis Field”.

Mayor Townsell welcomed Peyton Hillis and recognized him for his many athletic accomplishments and declared that the youth football field at Curtis Walker Park is now known as “Peyton Hillis Field”. Mr. Hillis thanked the city of Conway and his many friends and family for their support over his lifetime. Alderman Grimes motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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

- 1. Resolutions requesting the Faulkner County Tax Collector to place certified liens on certain properties as a result of incurred expenses by the City.**

R-11-36

Alderman Hawkins stated the property address is 3035 Franklin Cove; the cost of cleanup was \$142.36 plus 10% collection penalty. 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 8-0.

R-11-37

Alderman Hawkins stated the property address is 2016 Sugar Creek Drive; the cost of cleanup was \$146.31 plus 10% collection penalty. 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 8-0.

- 2. Ordinance appropriating funds for the transportation services for the Boys & Girls Club of Faulkner County & FCCDD.**

O-11-57

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. Alderman Hawkins asked Ronnie Hall, City Engineer, if this money was coming out of the street fund. Mr. Hall stated it is coming out of the Street Dept. reserve account. Mr. McClanahan stated there is over \$1 million dollars in that account and Mr. Hall stated approximately \$600,000.00 is committed. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, and Alderman Jones. The motion passed 6-2. Alderman Vaught and Alderman Hawkins voted in opposition. The amount of money being appropriated from the Street Fund – Fund Balance account is as follows:

- \$10,000 (002.201.5990) Boys & Girls Club
- \$15,000 (002.201.5990) FCCDD

- 3. Consideration of a request from the Advertising & Promotion Commission for the re-appointment of Angela Bagby to the board for a second term.**

Alderman Hawkins stated this is something the State of Arkansas allows explaining that the board has to have at least one individual from the hotel/motel industry which is Ms. Bagby. Alderman Hawkins motioned to approve Ms. Bagby's second term. Alderwoman Smith seconded the motion. Mayor Townsell explained this is considered an A & P specific primary city board/commission and when the terms of service are 4 years or longer, they are limited to 1 term with two exceptions; 1) members who are

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appointed to serve the remainder of an unexpired term are eligible for appointment to a full term and 2) a former member is eligible to serve another term on the same board once they have been off that board for the length of time equal to one standard term of service. Alderwoman Mehl asked if Ms. Bagby fits the criteria. Mayor Townsell stated no, she does not. After some discussion Alderman Hawkins withdrew his motion. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to return this to the A & P Commission for re-consideration. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

4. Consideration of a request from First Church of Nazarene for a conditional use permit to allow religious activities for property located at the 500 Block of Center Street.

Alderman Hawkins motioned to grant the conditional use permit. Alderwoman Smith seconded the motion. Bill Milburn, First Church of the Nazarene, stated the plans are to add a small addition onto what is already zoned for conditional use; our long range plans is to add an educational/administrative building which will be approximately 13,000 sq. ft. footprint. Mr. Milburn stated we heard many concerns of the area residents at the planning commission meeting and assures everyone that those concerns were heard. Mr. Milburn stated they plan to have a follow up meeting with not only those residents notified, but anyone that would like to attend. Penny Rubow, 511 Faulkner St, stated she sent an email to all council members that expressed the concerns of the neighborhood. Ms. Rubow stated these issues are light solutions, traffic, loss of green space, and the drainage issues in the area and explained it is her understanding that more building is planned for the area and fears this will affect property values. Allison Wallace, 532 Faulkner St, spoke in opposition of the proposed conditional use permit for the same reasons Ms. Rubow stated. Mary Ann Welch, 1146 Davis, and property owner of a home at 1612 College, which is adjacent to the proposed project area, spoke in opposition personally and on behalf of the Old Conway Preservation Group and asked council to help ensure the area is developed in a manner is acceptable to area residents and design standards. Robert Rubow, 511 Faulkner, spoke in opposition of the conditional use permit request. Matt Jordan, 537 Center St, stated he is concerned about his property value with all the expansions that are taking place at two nearby churches and Central Baptist College. Bryan Patrick, Planning & Development Director, stated if this conditional use proceeds the First Church of the Nazarene, and ultimately others, that have been mentioned, would have to meet with the Historic District Commission and receive their approval for whatever it is that one wants to build, whether it is a parking lot or construction etc. Mr. Patrick stated once a plan receives sign off from the Historic District it would then come to the Planning Dept for the development review phase which will look at lighting, landscaping/screening, ingress/egress, drainage etc. After some discussion Tim Kellerman, Pastor First Church of the Nazarene, addressed council and was available for questions. In conclusion it was agreed upon to hold this item in committee and allow the neighbors and church to meet and have a mediator available to share with both sides what can and cannot be done. Alderman Rhodes motioned to table this item until which time the church is ready to come back before council. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

5. Ordinance amending the Conway Sign Ordinance in regards to pre-existing non-conforming signs.

O-11-58

Bryan Patrick, Planning & Development Director was present to answer questions. Mayor Townsell explained that this will amend the section of the sign ordinance that pertains to street improvements, primarily a widening, as we encroach the roadway and the right of way, into private property, the city will have to purchase these lands. Mayor Townsell explained that the signs that would then be in the right of way are non-conforming signs now, when we pay to relocate them we will bring them into conformance with the sign ordinance as it stands right now; otherwise we would have to take the non-conforming signs and relocating them and putting them back in place at our expense, either way the city has to pay for the sign. Alderman Jones asked how many businesses, that have non-conforming signs, have been informed of this change. Mayor Townsell stated he does not believe we have surveyed this just yet. Ronnie Hall, City Engineer, stated we have surveyed the area, but we don't know how many signs are non-conforming. Alderman Jones stated he would like to inform people of the change before enacting the change. Mayor Townsell stated we can identify them quickly. Alderman Vaught asked if there are some that will not have to be relocated and if so, these signs will still be big and tall, and the signs that the city will relocate will be smaller and lower to the ground and more aesthetically appealing. Mayor Townsell stated there will be some that will remain non-conforming. Alderman Vaught stated that seems like it will give some an unfair advantage at our expense. After some discussion Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Jack Sotallaro, Conway resident, stated when you had sign issues on Harkrider the city decided it was too late to get this passed and it fell to the way side for 1.5 years and now once again you have a sign issue on Prince Street and at the last minute you bring this back to be passed. Mr. Sotallaro stated this should have been passed when no project was taking place and you do not know how many signs will need to come down, no one has talked to the sign owners if they want to keep the sign they have or weather they don't and your are going to waive the readings of the ordinance and pass an emergency clause so you act on this tomorrow if you so choose. Mr. Sotallaro stated it is time the city becomes more transparent and decides at some point to have a plan and not do everything reactively and feels the city should not pass this ordinance now. Alderman Grimes stated as for the planning, he was ready to vote for this a year ago or more and it is time to take action on this. After some discussion Randy Carroll, Prince Street business owner, stated he has talked with most businesses on Prince Street and they are concerned about the length of construction time and the state of the economy; they are also concerned about the probability that their signs will need to be changed out and who the cost will fall upon, and if it falls upon the business, how long will they have to comply. Alderman Jones stated is not comfortable voting in favor of this due to the lack of notification. Alderman Vaught concurred. Mayor Townsell stated he would delay the construction of Prince Street to pass this ordinance. Aaron Knight, 2014 Hutto, stated this should come as no surprise to anyone as this is a part of the right of way purchase in which there will be discussion and notification that will take place at that point and does not feel like anyone is being blindsided. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderman Grimes and Alderman Hawkins. The motion passed 5-3. Alderman Jones, Alderwoman Whitmore, and Alderman Vaught voted in opposition.

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The clerk called the roll for the emergency clause with the following voting "Aye": Alderman Rhodes, Alderwoman Whitmore, Alderman Hawkins, Alderwoman Smith, Alderwoman Mehl, Alderman Grimes, and Alderman Jones. The motion passed 7-1. Alderman Vaught voted in opposition.

6. Consideration to accept bids for steel tubing for fence construction for the Museum Road Project.

Ronnie Hall, City Engineer, stated that as a part of our right of way agreement with CHDC we agreed to install a chain link fence along their property line; as an alternate to that CHDC offered to put a decorative fence up similar to the one along Siebenmorgen if we would purchase the material. Mr. Hall recommended the low bidder Pipe & Tube Supply, Inc. in the amount of \$24,574.92. Mr. Hall stated our Museum Rd project included \$20,385.00 for the chain link fencing, since that was not built we will have this money available to put toward the purchase of this material. Alderwoman Mehl asked where the additional \$4,000.00 come from. Mr. Hall stated it will come from the impact fee monies. Alderman Hawkins motioned to accept the low bid. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-1. Alderwoman Mehl voted in opposition.

7. Consideration of the Stage 1A Airport Construction Change Order for A.G. Hunt Construction Co.

Ronnie Hall, City Engineer, stated our 2010 FAA Grant had available in it \$1.7 million for airport construction; the low bid by A.G. Hunt Construction was \$1,592,606.20. Mr. Hall stated he recommends increasing the scope of the construction project by adding 400 feet of runway; this proposed change order would add \$108,968.00 for a revised contract amount of \$1,701,574.20. Mr. Hall explained this would take it out of the next project; we will be paying for work this year instead of next year. Alderwoman Smith motioned to approve the change order. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Ordinance authorizing a credit card transaction fee to be collected by District Court.

O-11-59

Mayor Townsell stated this fee will be for the use of transactions/payments by credit card. Donna Clifton, District Court Clerk, stated we have been accepting credit cards for several years and we collect quite a bit monthly, however there is a fee that is passed along to them that comes out of the city and county fines each month to pay for these fees. Ms. Clifton stated a new law, that takes effect tomorrow, will allow us to pass this fee onto our customers which will save the city and the county money. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye":

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Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Vaught, Alderman Hawkins, Alderman Grimes, and Alderman Jones. The motion passed 8-0.

C. Finance

1. Ordinance authorizing a change in staffing levels for the Finance Department.

Mayor Townsell stated this item needs to be pulled from the agenda. Alderwoman Whitmore motioned to hold this item in committee. Alderwoman Smith seconded the motion. The motion passed 8-0.

New Business

1. Consideration of request by Rick Lawson to obtain a franchise agreement for a taxi service (Cab's Here).

Rick Lawson, Cab's Here, was present to answer questions. Alderman Hawkins motioned to grant Cab's Here a taxi franchise. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Adjournment

PASSED this 26th day of July 2011

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett