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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
November 22, 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; Alderwoman Smith, Alderman Rhodes, Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderwoman Whitmore, 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: November 8<sup>th</sup>, 2011**

Alderwoman Smith motioned to approve the November 8, 2011 minutes as submitted. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

**Announcements / Proclamations / Recognition: *VolunteerConway.org "Big Event"***

Mayor Townsell recognized Volunteerconway.org for their efforts put forth in the community.

**1. Report of Standing Committees:**

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

**1. Consideration of a change order for Stage 1B Airport Construction for the New Conway Municipal Airport.**

Ronnie Hall, City Engineer, explained we had to add 200 feet of runway to AG Hunt's contract and remove it from the Paladino Nash contract; this also adds needed re-grading of the detention area, to improve drainage, and also transfers some ditch paving from AG Hunt to Paladino Nash. Mr. Hall explains this will add \$245,000.00 to the Paladino Nash contract and removes almost the same from the AG Hunt contract. Alderwoman Smith motioned to approve the change order. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**2. Ordinance amending the Conway Zoning Ordinance naming the Conway Planning Commission as the Board of Zoning/Adjustment.**

**O-11-97**

Bryan Patrick, Planning & Development Director, explained that state statutes allows the Planning Commission to serve as the Board of Zoning Adjustments stating it is problematic to keep it staffed and with all the other variance procedures in place the Planning Commission can easily absorb the duties of the Board of Zoning/Adjustments. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Vaught recommended removing the emergency clause. Mr. Patrick concurred stating this will

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take effect January 1, 2012. Alderwoman Smith and Alderwoman Whitmore concurred. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. 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, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

- 3. Ordinance amending the Conway Subdivision (O-00-03) to allow the platting of lots with less than 100 feet of street frontage along collector, minor arterials, and major arterials.**

O-11-98

Bryan Patrick, Planning & Development Director, explained we feel that this may not have been a good change and we would like to help anyone to subdivide their property into smaller lots if they so choose and recommended this change. Alderman Hawkins suggested removing the emergency clause from the ordinance. 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 without the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. After a lengthy discussion the clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

- 4. Ordinance amending the Conway Zoning Ordinance establishing standards for mobile vendors including mobile food vendors.**

O-11-99

Bryan Patrick, Planning & Development Director, explained this is largely administration interpretations that we have been doing for years for mobile food vendors and this will help us to establish regulations for these types of vendors and have them located in one section of the zoning ordinance. Mr. Patrick explained this does put in place that the requirement for the vendor to have a rest room available to their customers; the ordinance defines a mobile vendor/food vendor as one who operates in the city for 15 days or greater per year; vendors who operate for 14 days or less per year shall not be regulated by this ordinance. Mr. Patrick explained vendors will be allowed in commercial zones by right and by conditional use permit in office, industrial, restricted use, and institutional zones. Mr. Patrick stated it does exclude lemonade stands, newspaper couriers, agricultural sales on site, food deliveries, ice cream trucks and catering trucks. After some discussion Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

5. **Ordinance repealing O-00-22 standards for interim, construction, and temporary buildings; and amending the Conway Zoning Ordinance to include and amend standards for accessory and prefabricated buildings, particularly, interim, construction, and temporary buildings.**

**O-11-100**

Bryan Patrick, Planning & Development Director, explained this ordinance will clarify existing standards for accessory, interim, construction, and temporary buildings; this will be located in one area of the zoning ordinance. Mr. Patrick stated this ordinance addresses the provisions, setbacks, height, limitations, permitting and building code requirements for these types of structures. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

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

1. **Ordinance appropriating revenue funds to the Conway Sanitation Department.**

**O-11-101**

Mayor Townsell explained this is for repair of a Skid Steer and an awning on the booth that was damaged by a customer's truck. 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. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

2. **Ordinance to establishing new fees to be assessed for the rental of the Conway Expo Center.**

**O-11-102**

Steve Ibbotson, Parks Director, explained we wish to add a bleacher fee as we have had requests for these, we also are requesting that non-profit groups provide a certificate of 501-C3 as described by the IRS code, and we would also like to bring the Pavilion in line with the Expo Center as far as the non-profit rates (the changes are highlighted in red). Alderman Hawkins asked if the rates on the building rentals are low. Mr. Ibbotson our rates are comparable but this is something that we can re-visit if council so chooses. Alderman Hawkins asked if the center is booked. Mr. Ibbotson stated yes, we are booked from January through March, solid. Alderman Rhodes stated he hopes this does not limit us in the ability to create package rates of some fashion. Mayor Townsell

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stated we need to keep in we have established that the Expo Center needs to pay for itself and we cannot negotiate that away. Alderwoman Whitmore state the A & P Commission has funds set aside to help bring events to Conway. After some discussion Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. 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, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

**3. Ordinance authorizing a change in staffing levels for the Parks & Recreation Department.**

**O-11-103**

Steve Ibbotson, Parks Director, stated with the departure of some staff members and the timing has given us an opportunity to reorganize our department; we have looked at this closely and feel we can maintain our services while cutting personnel costs. Mr. Ibbotson stated this ordinance will reduce the number of full time employees from 32 to 28 and also reclassify existing employees and in doing so, we will be consolidating job duties. This change will reduce the cost of salary and benefits by approximately \$170,697.00. Alderwoman Smith asked if there will be pay increases. Mr. Ibbotson stated yes, there will be some individuals who will get a slight increase in their salary. After some discussion Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

**C. Finance**

**1. Consideration to approve the October monthly financial reports for the Conway Finance Department.**

Tyler Winningham, CFO, explained the finance committee reviewed these last week and pointed out that the bottom line on each of these you will see negative amounts; our department heads are doing a good job of staying within their budgets and the root cause of that is our revenues have not yet met the levels we budgeted for but that is typical as we know the last 2 months of the year will good due to Ad Val collections. Alderwoman Mehl motioned to approve the October financial reports. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**D. Personnel**

**1. Consideration to enter into an agreement with DB Squared/DBCompensation for a job evaluation and salary administration program.**

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Mayor Townsell explained this is a continuation beyond the first 3 years of this contract. Lisa Mabry-Williams, HR Director, explained the software we currently use maintains our job description database; this database keeps us ADA compliant and standardizes all job descriptions. Ms. Williams stated this agreement will extend the software contract for support and upgrades and will cost \$2,000.00 for the year; if we decide we want to do market update on the salary survey that will be an additional \$3,000.00, a salary survey alone would be \$5,000.00. Ms. Williams explained when the salary survey was conducted, the jobs were tied to the survey so the jobs were rated based on job duties within the job description and those transfer back to the salary study. Alderwoman Whitmore motioned to enter into this agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**Old Business**

**New Business**

- 1. Consideration to enter into an agreement with the University of Arkansas Cooperative Extension Service relative to the horticulture program.**

Mayor Townsell stated this is a continuation of our annual agreement with the Cooperative Extension Service; they assist the city with the Tree Board, Arbor Day, and also the planning dept. as needed. They also serve the general public. The city's annual amount is \$25,000.00 and the Cooperative Extension Service pays the other half. Alderwoman Smith motioned to enter into this agreement. Alderman Rhodes seconded the motion. There was no discussion. The motion passed 8-0.

- 2. Discussion of an ordinance establishing the division of the four tenth (.4) mil on the dollar, voluntary assessment for the exclusive purpose of operating and maintaining cemeteries located within the City of Conway.**

**O-11-104**

Mayor Townsell explained the historic division of this dates back to the 1960's and the division of these funds has not been found in any of our city records. Mayor Townsell explained that the current breakdown has Oak Grove Cemetery receives 69%, St. Joseph Cemetery receives 19%, and Robinson Cemetery receives 12%. Mayor Townsell stated the recommendation tonight is to adjust Oak Grove Cemetery to 60% and Robinson Cemetery to 21%, leaving St. Joseph Cemetery at 19%. Alderwoman Mehl stated she will vote for this but would like to know the size if each cemetery. Mayor Townsell stated that Robinson Cemetery and St. Joseph Cemetery are land locked and the only way Oak Grove could increase in size is if the city donated land and that is not feasible. After further discussion 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 Whitmore seconded the motion. City Attorney Michael Murphy stated state law allows cities to assist cemeteries that are in compliance with State health regulations and the city does not necessarily own the property. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith,

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

**Adjournment**

**PASSED this 22<sup>ND</sup> day of November 2011**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**