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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
November 27, 2012

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 Grimes, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Rhodes and Alderman Vaught were not in attendance.

**Call to Order: Mayor Tab Townsell**

**Roll Call: Michael O. Garrett, City Clerk/Treasurer**

**Minutes: November 13<sup>th</sup>, 2012 City Council Meeting**

Alderwoman Whitmore motioned to approve the November 13, 2012 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 5-0.

Alderman Jones entered the meeting.

**Announcements/Proclamations/Recognitions: *Employee Service Awards***

**5 Years:**

Jason Case - PD

Tim Woods - Police Dept.

Mayor Townsell asked to move item 1B-9 to the top of the agenda. Alderwoman Whitmore motioned to move item 1B-9 to the top of the agenda. Alderwoman Smith seconded the motion. The motion passed 6-0.

**Ordinance to rezone property located at the northeast corner of Hubbard Road and Carl Stuart Street; 101 Hubbard Road from R-1 to PUD.**

Chris Thornton, 42 Lakeview Dr, requested that this rezoning appeal be withdrawn. Alderwoman Smith motioned to withdraw this appeal. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

**1. Report of Standing Committees:**

**A. Economic Development Committee (Airport, Conway Corporation, Conway Development, Historic District, Chamber of Commerce)**

**1. Resolution considering the management of the new Conway Municipal Airport.**

**R-12-53**

Bill Hegeman, Airport Advisory Committee Chair, explained the committee has met bi-monthly since September and have reviewed and discussed, at length, the pros and cons of various options to manage the new airport with Robert Johnson, a consultant with the General Aviation Consulting Services and John Knight, Director of the Arkansas Dept of

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Aeronautics. The committee voted unanimously to recommend that the city take over the management of the new airport. It was the feeling of the committee that this would give the city the best control of all factors relative to the operation of the airport, provide the highest revenue stream, better control investments in the facility, and better project the positive image of a general aviation airport. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Alderman Jones asked when this needs to be put in place. Mayor Townsell stated this would create a line item in the 2014 budget and stated if we manage the facility correctly we can offset the expenses with the revenue. Alderman Jones asked approximately how many employees will need to be hired. Mayor Townsell stated the projection is 4. There was no further discussion. The motion passed 6-0.

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

- 1. Resolution requesting the Faulkner County Tax Collector place a certified lien on properties located at 26 Brierwood for incurred expenses by the City of Conway.**

**R-12-54**

Alderman Hawkins stated the property address is 26 Brierwood; the cost of cleanup was \$161.06 (\$119.15 + Penalty \$11.91 + filing fee \$30.00). There was no one present to speak to this issue. Alderman Hawkins motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

- 2. Resolution declaring the intent of the City of Conway to repeal resolution R-08-23 and dedicate all natural gas severance tax state turnback funds for the general street purposes.**

**R-12-55**

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell stated prior to the passage of our complete streets ordinance this money was set aside to be used in the street right of way for alternative transportation; this includes bike lanes, sidewalks, and at some point could be used for transit; we feel these funds should be placed in the street fund. There was no discussion. The motion passed 6-0.

- 3. Ordinance accepting and appropriating donation funds for the Conway Tree Board to help pay for expenses associated with the annual Arbor Day celebration.**

**O-12-104**

Alderwoman motioned to waive the readings of the ordinance. Alderwoman Smith motioned to second the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

- 4. Ordinance amending the Northeast Old Conway area specific plan to allow a cell tower on Lot 1, Block, Syrgley Addition.**

**O-12-105**

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Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Bryan Patrick, Planning & Development Director was present to answer questions. Tom Holliman, representing the applicant AT&T Wireless, explaining smart phones are causing capacity issues around the country; Conway's area experiencing this issue is in the Hendrix College area and requested approval to place a cell tower at 599 Mill St. Mr. Holliman explained their antennae will be on the inside of the pole. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 6-0. The specific lot amendment conditions are listed below:

- Tower maximum height shall be 110 feet.
- Tower design must be a monopole design with internal antennae and wiring. No wiring, or other projections may be mounted externally.
- Any lighting other than that required by the FAA or other government regulations is prohibited.
- A wooden privacy fence shall be erected on the north side of the tower enclosure area.

**5. Consideration of a request for a conditional use permit to allow MF-1 density in an R-2 zone for property that is located at 1311 and 1317 Bruce Street.**

Alderman Hawkins motioned to grant the conditional use permit with the listed condition. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0. The condition is as follows:

- Four duplexes (8 units) shall be allowed.

**6. Consideration of a request for a conditional use permit to allow a retail pharmacy drive through for property located at 2521 College Avenue.**

Larry Graddy, Attorney at Law representing the Sparks, requested council table this item until the next city council meeting. Alderwoman Smith motioned to hold this item in committee. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0. Mayor Townsell stated this will be tabled until December 11, 2012.

**7. Ordinance to rezone property located at 810 South Amity from I-3 to C-3.**

**O-12-106**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. Tim Tyler, Tyler Mapping and Surveying representing the Crain family, explaining they wish to build a Kia car dealership in this location. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

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**8. Ordinance to rezone property located at the southeast corner of College Avenue and Prince Street from O-2 to PUD.**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. Frank Shaw, Attorney at Law representing Keller Johnson, requested tabling this issue for 2 weeks as he feels they can reach a compromise with the adjoining neighbors by simply redrawing the street layout, and they would like to have a full council present to hear the issue. Alderwoman Smith motioned to hold this item in committee until the next council meeting. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 6-0. Mayor Townsell stated this tabled until the December 11, 2012 meeting.

**9. Ordinance to rezone property located at the northeast corner of Hubbard Road and Carl Stuart Street 101 Hubbard Road from R-1 to PUD.**

Item moved up on the agenda

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

**1. Consideration to accept bids for a trailer mounted drum brush chipper truck for the Sanitation Department.**

Cheryl Harrington, Sanitation Director, recommended accepting the bid from Henard Utility Products, Inc. in the amount of \$45,878.60 due to this being the same chipper that we currently use, and the parts etc will interchange with our other truck. Alderwoman Smith motioned to accept the bid from Henard Utility Products. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

**2. Consideration to accept bids for a chipper truck with a 22 yd box for the Sanitation Department.**

Cheryl Harrington, Sanitation Director, recommended accepting the bid from Truck Centers of Arkansas in the amount of \$83,350.00, as they service the truck we now have, and have a service readily available. Alderwoman Whitmore motioned to accept the bid from Truck Centers of Arkansas. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

**D. Public Safety Committee (Police, Fire, CEOC, Information Technology, City Attorney, & Animal Welfare)**

**1. Ordinance waiving bid requirements to purchase bomb squad items for the Fire Department**

O-12-107

Mayor Townsell stated this is to purchase the listed items with grant funds that were accepted at the last council meeting; this will allow us to use the following vendors we currently use.

- Remotec (up to \$58,700.00 for upgrade for robot)

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- Lithos Robotics Corp (up to \$27,800 for wireless system for ICOR robot)
- Rothenbuhler Engineering (up to \$23,500.00 for 2 RDF kits)

Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 6-0. Alderman Whitmore 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 Smith, Alderman Mehl, Alderman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

**E. Finance**

**1. Consideration to approve the monthly financials reporting ending October 31, 2012.**

Tyler Winningham, CFO, gave a brief synopsis of the October 2012 financials for the various funds. Alderman Smith motioned to approve the October 2012 financial reports. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

**2. Ordinance appropriating funds for the Employee Appreciation Bonus.**

**O-12-108**

Mayor Townsell stated due to the lack of COLA's and step raises he recommends giving a Christmas bonus of \$500.00 to full time employees and \$250.00 to part-time employees. Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. Alderman Grimes asked if the amounts will be net amounts. Tyler Winningham, CFO, stated yes. The motion passed 6-0. Alderman Smith motioned to adopt the ordinance and the emergency clause to give \$500.00 bonus to full time employees and \$250.00 bonus to part-time employees. Alderman Whitmore seconded the motion. There was no discussion. Mayor Townsell called the roll with the following voting "Aye": Alderman Smith, Alderman Mehl, Alderman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

**Old Business**

**New Business**

**Adjournment**

**PASSED this 27<sup>th</sup> day of November 2012**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**