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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
February 26, 2013

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, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Ledbetter, Alderwoman Whitmore, and Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Clerk/Treasurer Michael Garrett, and City Attorney Michael Murphy.

**Call to Order: Mayor Tab Townsell**

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

**Minutes: February 12<sup>th</sup>, 2013 City Council Meeting**

Alderwoman Whitmore motioned to approve the February 12, 2013 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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

**15 Years**

Officer Anthony Ryken – Police Dept.

**1. Report of Standing Committees:**

**A. Public Hearing**

**1. Public Hearing/Ordinance closing a utility easement in the Mill Pond Acres Subdivision.**

Mayor Townsell opened the public hearing. Ladd Ellis, 4550 Sawgrass Cove, was present to answer questions. Mayor Townsell closed the public hearing.

**O-13-22**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl 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": Alderwoman Smith, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 8-0.

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

**1. Ordinance accepting proceeds from Faulkner County for GIS purposes within the Planning and Development Department.**

**O-13-23**

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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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 8-0.

**2. Ordinance to rezone property located at 1655 S. Donaghey and 1655 Churchill Drive from A-1 to R-1.**

**O-13-24**

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Alderman Hawkins stated the Planning Commission recommended for approval, but also recommended that the conditional use permit, allowing religious activities on one of these properties be revoked. Bryan Patrick, Planning & Development Director, stated this parcel is now larger and the conditional use permit, #1259 from 2006, was applied to the entire parcel; now a segment of this property will be zoned R-1; if the conditional use is not revoked one could actually start a church and the Planning Dept likes to look at these type of requests prior to approval. Mr. Patrick recommended amending the rezoning to remove the conditional use from the property. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 8-0.

**3. Consideration of a request by Faulkner County Day School for a conditional use permit to allow restricted office with adjacent parking for property located at 222 Ash Street.**

Alderman Hawkins motioned to approve the conditional use permit with the conditions listed below. Alderwoman Smith seconded the motion. Mayor Townsell asked for clarification of condition #7. Bryan Patrick, Planning & Development, stated basically the house at this address is situated on the north part of the lot and the Planning Commission felt it best is the parking were to the south of the structure. There was no further discussion. The motion passed 7-1. Alderman Grimes abstained.

1. As part of the Old Conway Design Overlay, the parking lot design and any expansion to the residence must be approved by the Historic District Commission.
2. Trees selected for preservation will be at the discretion of the Historic District Commission (HDC). Old Conway Design Review requires approval of the HDC for removal of any trees larger than 8 inches in diameter. A detailed tree preservation plan supported by industry best management practices must be prepared and submitted to the planning staff as part of development review prior to the issuance of a parking lot construction permit.
3. No outdoor sound system permitted
4. Parking lot landscaping required per development review standards. Screening between the parking lot and adjacent residential properties is required.
5. All exterior lighting must be in accordance with development review standards.

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6. Privacy fence along rear and south parking area 8 feet tall.
7. Parking shall be limited to an area 10 feet south of existing house to the south property.

**4. Consideration of a request by Salem Place Nursing & Rehabilitation Center for a conditional use permit to allow expansion for property located at 940 Carolyn Lane.**

Alderman Hawkins motioned to approve the conditional use permit with the conditions listed below. Alderwoman Smith seconded the motion. Alderman Grimes stated he feels we should be clearer about what is allowable in the green space. Bryan Patrick, Planning & Development Director, suggested landscaping and clarification to include no structures including a swing set. Vicky Kirkenmeyer, Administrator Salem Place Nursing & Rehab, stated we are not allowed to have anything within 50 feet of someone's home and explained that no one goes out in this area; landscaping was added to the other addition and feels everyone enjoys this. Alderman Grimes stated suggested no permanent structures or playground equipment. Mr. Patrick stated we need to ensure the noise level in the area is under control. City Attorney Michael Murphy suggested the following wording for conditions #1: *"The southern 50 feet of the parcel that is zoned R-1 shall not be eligible for use as nursing home or nursing home facilities. It shall be maintained as a green space buffer in perpetuity and no structure, equipment or improvement of any type shall be allowed"*. Alderwoman Smith motioned to amend condition #1 to include Mr. Murphy's wording. Alderman Hawkins seconded the motion. The motion passed 8-0. There was no further discussion. The main motion passed 8-0.

1. The southern 50 feet of the parcel that is zoned R-1 shall not be eligible for use as nursing home or nursing home facilities. It shall be maintained as a green space buffer in perpetuity and no structure, equipment or improvement of any type shall be allowed.
2. The nursing home must be no more than one story tall.

**C. Personnel**

**1. Ordinance appropriating funds for the market salary study for the City of Conway.**

**O-13-25**

Mayor Townsell stated our general study may not have been specific enough for certain positions and we have asked the Johanson Group to re-evaluate these positions and get more specific on the jobs that some department head and employees did not feel the job survey compared adequately; this will include approximately 35-40 positions and this fee will not exceed \$5,000.00. Alderman Hawkins 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. Alderman Hawkins asked when we will get the results of the study. Lisa Williams, HR Director, stated approximately 6 weeks, depending on how quickly the information is entered. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 8-0.

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**D. Finance**

**1. Consideration to disposal of certain inventory for the Conway Finance Department.**

Mayor Townsell stated we are asking council to approve the disposal of the items listed below in the most suitable way, including online auctions, training usage, or disposal. Alderwoman Smith motioned to approve the removal of the listed items. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**Police Dept. Disposals**

1999 Jeep Cherokee (VIN #17977 - city tag #1037)  
1997 Ford Expedition 4X4 (VIN #13724 - city tag #990)  
Trek Bike (Serial #WW1745047 - city tag #928)

**Fire Dept Disposals**

NRW Ice-O-Matic (Serial #070812800 - city tag #1222) - being donated to Beaverfork VFD

**Sanitation Dept Disposals**

Canon 2200 Copier (Serial #MPG88241 - city tag #2332)  
16' Trailer (Serial #1T9FS1626L2320052 - city tag #2446)  
16' Trailer (Serial #1T9FS1626L232800 - city tag #2449)  
16' Trailer - 6' Sides, 1 Full Door - city tag #2503)  
2007 Freightliner (VIN #05561 - city tag #2432) - trade-in  
2007 Freightliner (VIN #25128 - city tag #2428) - trade-in

**2. Consideration to approve the monthly financials reporting ending January 31, 2013.**

Tyler Winningham, CFO, stated the general fund revenues; sales tax for January 2013, which covers sales for November 2012, is flat compared to January 2012. Mr. Winningham stated February 2013 sales tax, which covers sales for December 2012, is down compared to February 2012; explaining we will want to keep an eye on this and he is hopeful the state notifies us that a large rebate has been claimed, if not this is something we want to be mindful of. Alderman Hawkins asked how much is sales tax down. Mr. Winningham stated 6.5%. Mayor Townsell stated when we budgeted for 2013 we budgeted over \$500,000.00 more revenue than we authorized expenditures for, this is over and above the transfer of the reserve; we were very conservative than what we authorized to be spent. Mayor Townsell stated we did not project any growth in sales tax, so what we are projecting for 2013 is no more than what we received in 2012; in previous years we typically projected growth here, but have decided not to do this any longer. Mayor Townsell stated we feel that even though sales tax was down, things will even out, if not we have over \$500,000.00 to help cushion lower than expected revenues. Mr. Winningham explained all departments started out very conservatively on the expenditure side; you will notice the non-departmental and this area gets front loaded at the beginning of the year for various dues we pay and should level off. Mr. Winningham stated for departments that actually operate are well within their budgetary boundaries. Mayor Townsell stated for the record, the additional salaries that we approve and raised have already been built into the expenditures. Mr. Winningham stated revenues in the street fund are where we expect them to be and sales tax is down here as well and expenditures are well within where we

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want them to be. Mr. Winningham stated the revenues from recycling materials were up due to selling what we had on hand; the expenditures here are where we expect them to be. Alderwoman Smith motioned to approve the January 2013 financials. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**Old Business**

**New Business**

1. **Consideration to move the next regular scheduled City Council meeting (March 12<sup>th</sup>, 2013) to an alternative date.**

Mayor Townsell stated he will be out of town on this date. Alderman Hawkins motioned to move the March 12, 2013 council meeting to coincide with the special council meeting on Tuesday March 5, 2013 at 3:30 pm. Alderwoman Smith seconded the motion. Alderman Grimes stated given the deadline for the special meeting was today, will there be much to discuss. Mayor Townsell stated there may not be. Alderman Grimes asked if we can add it to the 3:30 special council meeting on March 5, 2013. Mayor Townsell stated if it is routine we could do that. Mayor Townsell stated we can take a look and you can authorize either tacking it on to the special meeting at 3:30 on March 5 2013, or moving all items to Tuesday March 26, 2013. Mayor Townsell asked Alderman Hawkins if wished to add that to his motion. Alderman Hawkins and Alderwoman Smith concurred. There was no discussion. The motion passed 8-0.

**Adjournment**

**PASSED this 26<sup>th</sup> day of February 2013**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**