
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
April 28th, 2015

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 Mehl, Alderman Grimes, Alderwoman Smith, Alderman Ledbetter, Alderman Pruitt, Alderman Hawkins, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson.

Call to Order: Mayor Tab Townsell
Roll Call: Michael O. Garrett, City Clerk/Treasurer
Minutes: April 14th, 2015 City Council Meeting

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

Employee Service Awards:

5 Years:

Gary Davidson - Street Dept.

10 Years:

Danny Jackson, Grounds Supervisor - Parks and Recreation Dept.

1. Report of Standing Committees:

A. Public Hearing:

- 1. Public Hearing to discuss the closing of a portion of the alley running north and south, south of Pine Street, east of Sutton Street, West of Hamilton Street between Lots 1, 2, 3, 10, 11 & 12 Block 14 Burns Addition.**
 - a. Ordinance closing a portion of an alley running north and south, south of Pine Street, east of Sutton Street, and West of Hamilton Street between Lots 1, 2, 3, 10, 11, & 12 and Block 14 of Burns Addition.**

O-15-49

Mayor Townsell declared the public hearing open. Bobby French, Central Arkansas Professional Surveying, stated he is working on an addition to Zion Temple Church and needs to close a portion of the alley on east Sutton Street. Mr. French stated they received all of the signatures needed from Conway Corp and the Street Dept. Alderwoman Whitmore asked why council did not receive the signatures in their packet. Mayor Townsell replied he has copies of the signatures, they just were not placed in the packets. 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. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called roll with

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the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

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

1. Consideration to award the engineering design to Crafton & Tull for improvements along Siebenmorgan Road.

Scott Grummer, CDBG, stated a revitalization study was done in 2009 of the (North East) Old Conway Area. Mr. Grummer explained when the study took place, the zoning on Siebenmorgan Rd was designed to be a transit road between the neighborhood; there was discussion about cutting alley ways, North and South on that block that goes into Siebenmorgan East and West. Mr. Grummer explained over the last several years in the efforts of the city's revitalization strategies for the Pine Street neighborhood, we have been acquiring property on block 7 to build affordable housing and the last 2 years we have been working on the design process for this housing project. Mr. Grummer stated we have been working with the property owners on the block and Acklin Funeral Home, to modify the alley way. Mr. Grummer stated we have a housing design from the southern section of the block, and we went from 7 potential houses to 12 cottage style houses, which we were able to increase the density and provide a better design that works well with the surrounding neighborhood. Mr. Grummer stated in order to make the alley run East and West, the buildings would need to be pushed up to Siebenmorgan. Mr. Grummer stated from Ingram to Harkrider, there are no culverts or sidewalks and explained in order for buildings to front Siebenmorgan, there needs to be sidewalks, culverts, and parking, which will be an additional cost to the Acklin family, but because those improvements would be in the Arkansas State highway, it would be supported under CDBG. Mr. Grummer stated in order to move forward with determining the design of the process of approvals from the State Highway Dept., we made the designs in advance so we can get this in place to know the estimated cost. Mr. Grummer explained we can cover the costs through CDBG and we will work with that, once we get the designs in and, come back before council. Mr. Grummer stated there are 2 items for council's approval, the Memo of Understanding agreement with the Acklin family and approving Crafton Tull engineering firm that was awarded to do the engineering designs along Siebenmorgan. Mayor Townsell stated this is a great opportunity and it has strictly allowed the city to do this because of the cooperation and agreement with the Acklin family. Mr. Grummer explained once this is done, the designs are completed, and approved, then we will have what we need to move forward with our utility improvements on the block, as well as acquisition of the easement process in the alley way and we can start predevelopment work on the housing project. Alderman Grimes asked if the outline is showing parallel parking on Siebenmorgan. Mr. Grummer replied yes, when we went to the State Highway Dept. and met with their engineers, they said the parking will not abut Siebenmorgan, and allows additional access for vehicles to pull off the road. Mr. Grummer stated it is also designed to be overlaid if Siebenmorgan is ever expanded. Mayor Townsell stated the parallel parking on Siebenmorgan will be safely off to the side with the expansion. Alderwoman Whitmore motioned to award the engineering design to Crafton and Tull. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

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- 2. Consideration to enter into a memorandum of understanding with Acklin Funeral Home for properties impacted by the Siebenmorgan Road Improvement Project.**

Alderman Smith motioned to enter into a Memorandum of Understanding with Acklin Funeral Home for properties impacted by the Siebenmorgan Road improvement project. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 3. Ordinance to appropriate reimbursement funds from the ARML to the Administration Department.**

O-15-50

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Alderman Whitmore motioned to adopt the ordinance. Alderman Smith seconded the motion. Mayor Townsell explained he is on a committee for the national league of cities representing Arkansas, and they paid for his travel, plane flights, hotel stays, and convention fees for attending these conventions. Mayor Townsell explained we have to front the money for travel first and then we will receive the reimbursement from the Arkansas Municipal League (ARML). There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Mehl, Alderman Ledbetter, Alderman Pruitt, Alderman Smith, Alderman Jones, and Alderman Whitmore. The motion passed 8-0.

- 4. Ordinance accepting and appropriating funds for the Conway Tree Board to help pay for expenses associated with**

O-15-51

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Alderman Whitmore motioned to adopt the ordinance. Alderman Smith seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Mehl, Alderman Ledbetter, Alderman Pruitt, Alderman Smith, Alderman Jones, and Alderman Whitmore. The motion passed 8-0.

- 5. Ordinance to rezone property located at 2220/2230 Prince Street and 1201 Donaghey Avenue from R-1 to S-1.**

O-15-52

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

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6. Ordinance to rezone property located at 2105 E. German Lane from A-1 to RU-1.

O-15-53

Alderman Smith motioned to waive the readings. Alderman Whitmore seconded the motion. The motion passed 8-0. Alderman Smith motioned to adopt the ordinance. Alderman Whitmore seconded the motion. Stephen Hogan, Tyler Group Inc., was available for any questions. Bryan Patrick, Planning Dept. Director, stated a few commissioners believed this is too much of an intrusion to the residential area. Alderman Grimes asked were there any residents there speaking in opposition to that. Mr. Patrick replied no, in fact, there were a few residents in favor. Mayor Townsell stated there is nothing to the West of this just yet. There was no further discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Mehl, Alderman Ledbetter, Alderman Pruitt, Alderman Smith, Alderman Jones, and Alderman Whitmore. The motion passed 8-0.

7. Consideration to approve a conditional use permit for an auto glass shop at the property located at 2105 E. German Lane.

The conditions for the auto glass shop are as follows:

1. Hours of operation are limited to 8:00 am to 5:00 pm, Monday - Friday.
2. Double the amount of development review required landscaping along the southern and western boundaries. One half of required trees to be evergreen species to provide additional buffering to neighboring residences.
3. Conditional Use Permit is limited to applicants, Bobby and Angela Conrad.

Alderman Hawkins motioned to approve the conditional use permit. Alderman Smith seconded the motion. Stephen Hogan, Tyler Group Inc., was available to answer any questions. There was no discussion. The motion passed 8-0.

8. Ordinance to rezone property located at 817 Donaghey Avenue from R-2A to O-2.

O-15-54

Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 8-0. Alderman Smith motioned to adopt the ordinance. Alderman Whitmore seconded the motion. David Stobaugh, owner of Stoby's and Patticakes, stated they are wanting the house next to them for large groups of customers. Mr. Stobaugh explained it will not be a restaurant, the group would order their food "to go" and then sit at the house next door to eat, but there can be accommodations made for a server to serve food there if a large group gives enough notice ahead of time. Jackie Fliss, 2411 Robinson, spoke in favor of rezoning. Ms. Fliss stated a private room at Stoby's would be an ideal place for a business lunch. Chris Throneberry, 901 Reedy Road, stated he owns the property next door, 823 Donaghey and 831 Donaghey, and speaks for this because there is a big need in Conway for a place to have private business meetings. Alderman Grimes stated he believes this is a great idea and he had mentioned this idea several years ago when Patticakes first opened. Mayor Townsell explained we have a clearer vision of what is appropriate for Donaghey now than before. There was no further

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discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

9. Consideration to approve a conditional use permit for an eating place in an O-2 zone for property located at 817 Donaghey Avenue.

The conditions for the eating place in an O-2 zone for property located at 817 Donaghey Ave are as follows:

1. Hours of operation to coincide with Stoby's Restaurant, currently 6:00 am to 10:00 pm, Monday - Friday.
2. Dining facility is limited to Stoby's/Branch, Inc. use only.
3. The structure is limited to group dining. A full-service restaurant will require a future amendment to this conditional use permit.
4. Additional parking similar to the proposed Planning Sketch [attached] will be required.

Alderman Hawkins motioned to approve the conditional use permit. Alderwoman Whitmore seconded the motion. There was an amendment with the conditional use to change the days of operation to Monday - Saturday. There was no discussion. The motion passed 8-0.

10. Consideration to approve a conditional use permit to allow a single operator hair salon at the property located at 821 E. Siebenmorgen Road.

The conditions for the hair salon are as follows:

1. The hair salon shall not occupy more than 25% of the gross floor area of the residence.
2. The hair salon shall not require external alterations, construction features, or mechanical equipment not customary in dwellings.
3. Signage is limited to one, non-illuminated identification sign not more than 2 square feet in area attached to the main or accessory building.
4. Conditional use permit is limited to the applicant, Jason Freyaldenhoven.

Alderman Hawkins motioned to approve the conditional use permit. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

11. Consideration to approve a conditional use permit for MF-1 density in an R-2 for property located at 511 1st Avenue and 501-505 2nd Avenue.

The conditions for the MF-1 density in an R-2 for property located at 511 1st Avenue and 501-505 2nd Avenue are as follows:

1. The property must be replaced with appropriate street right of way dedications.
2. The re-platted property shall have a maximum of 9 dwelling units.

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Alderman Hawkins motioned to approve the conditional use permit. Alderwoman Smith seconded the motion. Alderman Hawkins explained these are 3 lots and they are being combine to place several duplexes. Allen Shaver, property owner, was there to answer any questions. Mayor Townsell asked Mr. Shaver if the diagram shown is what his intention is to do with this property. Mr. Shaver replied yes. There was no further discussion. The motion passed 8-0.

12. Consideration to approve a conditional use permit for request for a communication transmission tower on property located at 718 Monroe Street.

The conditions for the communication transmission tower property located at 718 Monroe Street are as follows:

1. Height of the flagpole to be a maximum of 90 feet.
2. Flagpole must be maintained.
3. Flag must be lighted at night.
4. U.S. flag only with no secondary flags on pole.
5. No visible cabling except flag supports.
6. Landscaping to be continued and maintained.

Alderman Hawkins motioned to approve the conditional use permit. Alderwoman Smith seconded the motion. Mayor Townsell stated this is an amendment to a former conditional use permit and the only change is going from 80 to 90 feet. Amy Bagwell, attorney representing applicant, was there for any questions. There was no discussion. The motion passed 8-0.

13. Consideration to amend Resolution R-15-21 in regards to authorizing the City Attorney's office to seek condemnation of certain properties related to the 6th Street over Interstate 40 & Amity Road - Elsinger Blvd Roundabout project.

Chuck Clawson, City Attorney, stated last council meeting R-15-21 was approved and he noticed some additions and corrections that needed to be made to it, and a corrected version was sent to council via email with the highlighted corrections. The amendments are as follows:

Section 2:

- The owners were added, Bobby Dale Linn Recoverable Trust, Mary Kathryn Linn Recoverable Trust, and Mary Kathryn Linn Trustee.
- Under street right of way, drainage and utilities were added as part of the real estate construction
- Under permanent easement, street, drainage, and utility purposes were added.
- Under drainage easement, "construction of storm drainage facilities and utilities and the operation and maintenance of storm drainage facilities and utilities."

Section 3:

- The temporary construction will expire upon completion of the drainage and street improvements changed to no later than December 31, 2016.

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- Temporary Construction Easement - A temporary construction right of way and easement (4,996 sq. ft.) on, over, across, through and under the following described lands, for the purpose of providing a construction and work area for building streets, drainage, and laying of utilities and that this right of way and easement shall be located upon and over such portion of the following described lands:
- Legal Description - Part of the Northeast Quarter of Section 8, Township 5 North, Range 13 West, Faulkner County, Arkansas, more particularly described as follows: Commencing at the Northeast Corner of said NE 1/4, SW ¼ Section 8 thence North 88°07'06" West, 641.01 feet; thence South 32°31'15" West, 34.87 feet to the thence North 88°07'06" East, 130.62 feet to the POINT OF BEGINNING and containing 0.11 acres (4,996 sq. ft.) more or less.

Alderman Hawkins motioned to approve the amendments of R-15-21. Alderwoman Smith seconded the motion. Alderman Hawkins asked if the box culverts have been bid out. Mayor Townsell replied yes and we rewarded the bid last council meeting. There was no further discussion. The motion passed 8-0.

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

1. Consideration to accept bids on Haz-Mat Equipment and accessories for the Conway Fire Department.

Chief Mike Winter, Fire Dept. Chief, stated on April 15, 2015 we received 1 bid that is being purchased out of the Homeland Security Grant from Northside Sales Company in the amount of \$47,762.98. Alderwoman Smith motioned to approve the bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance appropriating funds for the purchase of safety vests for the Conway Fire Department.

O-15-55

Mayor Townsell stated we recognize the donation of \$353.00 from Fred's Inc. as a revenue and place it in the operating account where we can expend it for the high visibility safety vests for the Fire Dept. 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. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

D. Finance

1. Consideration to approve the monthly financial report ending February 28th, 2015.

Tyler Winningham, Chief Financial Officer, stated sales tax for the first 3 months of this year was up 4% over this time last year and if April's sales tax is factored in, that puts us up 4.5%. Mr. Winningham stated the new franchise fees that have been collected on water and

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wastewater service, which will go up due to more consumption of water in the summer, have been on budget at approximately \$830,000.00. Mr. Winningham stated for the first 3 months of the year, every budget column is down lower than the average of what is typically spent. Mr. Winningham stated our finance situation is not above normal, but we are doing okay. Alderwoman Mehl asked if we deducted the Airport construction expenses and the \$500,000.00 loan proceeds if our net operating would be higher than what is shown. Mayor Townsell replied yes, the financing of the Airport construction is built into that. Mr. Winningham stated we received our first close out payment on the grant was approximately \$332,000.00, that was deposited in the general fund that helped to improve our cash flow issues. Mr. Winningham stated once we get started on the other grants, we should see some substantial improvement on our cash flow. Mr. Winningham stated we still have 2012, 2013, and 2014 grants open. Mayor Townsell stated some of the engineering consultants will be at the Airport this next week to help close out these grants. Mayor Townsell stated it is our hope to conclude the grant paperwork and free up general fund monies. Mr. Winningham stated the frequency of bills to pay has slowed down, but the general fund is not growing near as much as it has in the past. Mr. Winningham stated our auditors are working on 2013, and then they will work on 2014. Alderwoman Smith motioned to accept the financial report ending in February 28th, 2015. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

2. Consideration to approve the monthly financial report ending March 31st, 2015

Alderwoman Smith motioned to accept the financial report ending March 31st, 2015. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

Mayor Townsell stated 10 years ago we paid approximately \$600,000.00 to conduct a special census, which increased sales tax turn back monies from the state due to the growth of our population from approximately 43,000 to approximately 52,000. Mayor Townsell explained this provides us approximately \$62.00 per person in state turn back funds each year since the 2010 census came back in 2011. Mayor Townsell explained by metro plan's estimate we have grown approximately over 5,000 people, since 2010, which is the largest growth of any other city in central Arkansas. Mayor Townsell stated since the 2005 census, two more revenue elements have been added to the state turn back, severance money is a part of the state turn back now; and the one-half cent sales tax for state highway programs, which generates \$900,000.00 in revenue each year. Mayor Townsell stated if we continue to grow and recognize that growth of over 5,000 people, the state turn back money will grow as well. Mayor Townsell explained every Metroplan population estimate underestimated Conway's population 2010, 2005, 2000, 1996, and 1990, so if Metroplan is accurate this time, they have us at an estimated population of 64,313. Mayor Townsell stated in 2010 we believed our population was more than 58,900, but we did not want to pay for the undercount correction. Mayor Townsell stated this was probably not counting certain groups, for example, the colleges, apartment complexes, etc. Mayor Townsell explained a special census would cost approximately \$600,000.00 - \$700,000.00 of which we could receive \$2.2 million in turn back revenues, and approximately \$1.8 million of that would go to the Street Fund. Alderman Hawkins asked if that is additional 5,000 people per year. Mayor Townsell replied it is additional, but not per year. Mayor Townsell explained we, as a council, can begin taking an initial look at a special census and stated this would provide an increase in revenues of approximately 1 Mill on the dollar. Alderwoman Mehl asked if the population is large

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enough. Mayor Townsell replied if the population is less than 64,000 then you count down and take off \$82.00 per person to whatever the count is below that, which would be the possible pay back. Mayor Townsell stated politically there is no benefit as there was in 2005, it is strictly a financial decision on council's part. Mayor Townsell stated the State gives turn back money to cities based on head count and if we can officially get the head count higher and justify the cost of that special census, it is something to consider. Mayor Townsell explained there is also value when new businesses, commercial stores, and restaurants are looking at locations, we can give an accurate head count and not 58,900. Alderwoman Mehl asked if it could impact the CDBG funds. Mayor Townsell replied he does not know.

Adjournment

PASSED this 28th day of April 2015

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett