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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
May 26<sup>th</sup>, 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. Alderwoman Mehl was not present.

**Call to Order: Mayor Tab Townsell**

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

**Minutes: May 12<sup>th</sup>, 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 7-0.

**Employee Service Awards:**

**5 Years:**

Travis Holland, Maintenance Specialist - Street Dept.

**15 Years:**

Andrew Freeman, Asphalt/Construction Specialist with CDL - Street Dept.  
Sergeant James Presley - Police Dept.

**20 Years:**

Jeff Roberts, Grounds Supervisor II - Parks & Recreation

**1. Report of Standing Committees:**

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

**1. Discussion regarding the acquisition of the historic Springfield Bowstring Bridge located near Springfield, AR crossing Faulkner and Conway counties.**

Dr. Ken Barnes, UCA History professor and Faulkner County Historical Society (FCHS) member, stated it is the oldest bridge in Arkansas and it was decommissioned by the Arkansas Highway Dept. in 1991 to be used as a pedestrian bridge and stated unfortunately since then it has been repeatedly littered. Dr. Barnes stated the experts predicted the bridge will not be standing in 5 years if it is not repaired and their recommendation was to not repair it on site because it would be vulnerable to vandalism and it should be relocated. Dr. Barnes stated we have suggested to incorporate it into the walking trail on Tucker Creek. Mayor Townsell stated the State Highway Dept. gave the bridge over to both Faulkner and Conway counties and both county judges are willing to work with us to relocate this. Mayor Townsell stated this is a request to sign off on the concept; we are not funding anything as of right now. Mayor Townsell stated the bridge is 140 feet wide, which may or may not fit in Tucker Creek, we will have to make that decision as a council. Mayor Townsell explained

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the main criteria the FCHS has is the bridge has to stand over water and there are many options for that. Dr. Barnes stated we have been trying to develop a plan for fundraising, applying for grants, etc., but we could not get started with that unless we had a certain place for the bridge to go. Alderman Grimes motioned to accept the acquisition of the historic Springfield Bowstring Bridge. Alderman Pruitt seconded the motion. There was no discussion. The motion passed 7-0.

### **2. Consideration to accept the 2015 CDBG allocations.**

Lauralee Wilcox McCool, CDBG Director, stated we have been setting up the Pine Street neighborhood through acquisition, the purchase of many properties, design and architectural work has been done, we have procured a contractor, we have set up the utilities, and now all of these items are ready to be set in place and to finally use the money to start developing the neighborhood. Ms. McCool stated we should be laying utilities on our first block this year and we are doing some redesign on Siebenmorgan Road to allow additional parking and sidewalks. Ms. McCool stated by the end of the year we should be starting to build houses in that neighborhood. Ms. McCool explained we do not need the entire \$200,000.00 for 2015, so this gives us an extra \$60,000.00 for 2016. Ms. McCool stated we did not want to go over what we could spend, so we have given money to the Faulkner County Council on Aging for their building, and the approximate \$65,000.00 was an easy way to benefit people in this community and to spend down the CDBG balance. Ms. McCool explained we have a significant balance because of Pine Street and some projects that have fallen through over the years, which we could spend down the balance by reallocating those projects. Ms. McCool stated the non-profit organizations that are not being funded may receive some funding this year. Ms. McCool stated we have some extra funds for transportation requests this year because of Faulkner County Council on Developmental Disabilities not falling through. Ms. McCool stated the Ministry Center had both a capital and a transportation request. Ms. McCool explained while it is not a written policy, we have an unstated procedure that we do not fund brand new non-profits because of the many new non-profits that ask us for funds their first year, and then we do not see them again. Ms. McCool stated The Ministry Center are the only ones we did not fund for transportation. Alderman Pruitt asked if there is a reason why we are giving Independent Living Services \$5,000.00 more than they were requesting. Ms. McCool replied that is a misprint, they requested \$15,000.00 and that is what we are wanting to give to them. Mayor Townsell stated we want to restore the funds we have been taking from Pine Street for other items over the past few years. Mayor Townsell stated there are projects not as easy as others to take care of due to the difficulty with Federal Bureaucratic regulations; if the organizations do not follow the regulations, we get deemed in this situation. Mayor Townsell stated going forward there may be a simpler recommendation for fulfilling these CDBG requests. Alderwoman Whitmore asked if the Faulkner County Council on Aging is also the Senior Center. Ms. McCool replied yes and \$193,435.00 is the debt remaining on their building. Ms. McCool stated our rates per ride is less than what other cities charge in Arkansas for their transportation. Alderwoman Whitmore motioned to accept the 2015 CDBG allocations. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

### **3. Consideration to enter into an agreement with Garver Engineers to oversee the additional parking and drainage work at the Conway Airport.**

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Joshua Zylks, Airport Manager, stated this professional service contract with Garver Engineers includes the design, administration, construction, and observation for the additional parking and drainage work, which is funded by the 90/10 Arkansas Department of Aeronautics Grant. Mr. Zylks explained the total cost for design and observation will be approximately \$20,000.00. Alderwoman Smith motioned to enter into the agreement with Garver Engineers to oversee the additional parking and drainage work at the Conway Airport. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**4. Consideration for approval of two change order request for the Stage 2A and Stage 2B projects for the Conway Airport.**

Joshua Zylks, Airport Manager, stated the Stage 2A project is reducing the cost of the contract with Weaver-Baily Contractors by \$188,241.77 and the Stage 2B project increased the cost of the contract with Weaver-Bailey Contractors by \$183,798.80, which is a net reduction of approximately \$4,500.00. Alderwoman Smith motioned to approve the 2 change order requests for the Stage 2A and Stage 2B projects for the Conway Airport. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**5. Consideration to approve right of way acquisition offer for Tract 15 & Tract 16 owned by the City of Conway near Beaverfork Lake for the Hwy 25 relocation project.**

Mayor Townsell stated we have agreed to partner with the Arkansas State Highway and Transportation Dept. (AHTD) and Faulkner County to provide this project, and the AHTD are offering \$100.00 for Tract 15 which is approximately .05 acres and \$400.00 for the Tract 16 which is .27 acres; it is a right of way acquisition in order for them to complete the highway projects. Jack Branscum, Street Dept., was present to answer any questions. Alderman Hawkins motioned to approve the right of way acquisition offer for the Tract 15 and Tract 16. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**6. Consideration to accept quotes for asphalt paving work for the Street Department.**

Jack Branscum, Street Dept., stated he is requesting to proceed with both of the lower bidder's, Rodgers Group, Inc. for asphalt surface 64-22 and Redstone Construction Group for asphalt surface 70-22. Alderman Hawkins motioned to accept the quotes for the asphalt paving work for the Street Dept. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The paving prices are outlined as follows:

Rogers Group Inc.

- In Place Asphalt Surface (PG 64-22) \$73.00/Ton

Redstone Construction Group

- In Place Asphalt Surface (PG 70-22) \$77.50/Ton
- In Place Asphalt Binder (PG 64-22) \$60.00/Ton

**7. Consideration to accept bids for the annual (2015) pavement marking work for the Street Department.**

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Jack Branscum, Street Dept., stated we are requesting to move forward with Arkansas Line Marking which has the lowest minimum charge per day in the amount of \$1,000.00. Mr. Branscum explained Time Striping's pavement prices are lower, but they have \$6,000.00 charge per day. Alderwoman Whitmore motioned to enter into an agreement with Arkansas Line Marking. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**8. Consideration to enter into an agreement with O.R. Colan for right of way/property acquisition for the Sixth Street/Central Landing Blvd Project.**

Jack Branscum, Street Dept., stated O.R. Colan has been used by Garver to do all of the right of way acquisitions on their portion of Central Landing Blvd, along with 6<sup>th</sup> Street, and we would recommend continuing to use them since they are familiar with these properties. Mayor Townsell recommended O.R. Colan since they have provided many services to Conway. Alderwoman Smith motioned to enter into the agreement with O.R. Colan. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**9. Ordinance to rezone property located at 829 and 831 Faulkner Street from R-2A to O-2.**

**O-15-62**

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no one present to speak for or against this. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

**10. Ordinance to rezone property located at 1674 South Salem Road from A-1 to R-1.**

**O-15-63**

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no one present to speak for or against this. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

**11. Consideration to approve a conditional use request for a bank for property located at 2900 and 2920 Prince Street**

Alderman Hawkins stated the Planning Commission reviewed this at the meeting on April 20<sup>th</sup> 2015 and voted 3-5 with Commissioners Justin Brown, Jerry Rye, Bryan Quinn, Marilyn

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Armstrong and Stan Hobbs voting in opposition. Mr. Shaw stated Eagle Bank & Trust has a presence in Conway already, but does not have a banking facility, and we need this conditional use permit for zone O-2 because it does not include banking operations. Mr. Shaw explained Eagle Bank & Trust has many branches in Arkansas and this will be bank number 14. Mr. Shaw stated this is an appropriate use for this property; it will be a 3457 sq. ft. building and we will comply with the landscaping that is required. Mr. Shaw explained we would like this location because of the competitive nature with the surrounding banks. Alderman Pruitt asked if these conditions were already there during the Planning Commission meeting. Mr. Shaw replied some were listed in the report to the Planning Commission. Alderman Hawkins motioned to accept these current conditions that are stated. Alderman Pruitt seconded the motion. Mr. Shaw explained we would like to be relieved of the regulations of the banking hours due to competitive disadvantages. Mr. Shaw explained there may be an issue when there is a site review from planning with reciprocal access agreements and easements crossed and that may require some of the shrubbery to be taken out, which is not an issue with us. Mr. Shaw explained we would like to be relieved from hours of construction, there may be issues, such as bad weather every day except for Saturday, which would take longer and will cost more to build. Alderwoman Smith stated she is concerned about the left turn into the bank office from the roundabout on Salem with the heavy traffic there. Mr. Shaw stated a driver that is not wanting to cause traffic back-up would come on the roundabout off of Prince; this will be an issue no matter what type of establishment it may be. Alderwoman Smith asked if he has thought about moving on the third or fourth lot down instead of the first or second lot. Mr. Shaw replied the corner is a prime location for the business. Alderman Grimes asked if the other zone of the lots have been rezoned yet. Mr. Shaw replied no, but it could happen. Alderman Grimes asked if the lot that Eagle Bank & Trust is wanting are allowed by right one ingress and one egress on Prince and on Salem. Alderman Grimes asked if this could be a temporary ingress and egress on Salem until Lots 3 and 4 develop and then they could have a shared access for all 4 lots. Bryan Patrick, Planning and Development Director, replied there is nothing that states an ingress and egress are required for the property. Alderman Grimes asked Mr. Patrick if he is concerned about the entrance on Prince. Mr. Patrick replied he does not have a concern for the entrance on Prince, but there should not be only one entrance. Alderman Hawkins asked Mr. Patrick if we should place a condition for a cross access easement. Mr. Patrick replied council can place that condition and we will require it to be placed in the most appropriate location. Mayor Townsell asked if the cross access easement would usually be more towards Prince. Mr. Patrick replied yes but not always. Alderman Grimes stated there should be some type of limit how far down Prince this commercial building can go. Mr. Patrick stated he agrees and does not anticipate it going any further north. Mayor Townsell stated there will never be commercial traffic in front of a residential area. Mr. Shaw stated the corner of Salem and Prince is no longer suitable for a residential area. Alderwoman Smith stated she is concerned of drivers going north on Salem and making a left there. Mayor Townsell stated any development there will want access, and it will work any other time of the day besides rush hour; it would be a burden to close it on Salem just because we are concerned about traffic backing up. Mayor Townsell explained we can put a median in there but that means none of the drivers can get in or out from that location or we could place some painted stripes that say "do not block the access" which unfortunately does not always work well. Mayor Townsell explained drivers will have to learn to use the roundabout when on Prince. Tim Young, architect for Eagle Bank & Trust, stated instead of total closure of an entrance from the roundabout, council could place a stipulation in there, such as a right turn in and right turn out only. Alderman Grimes stated he does not have an issue with giving complete

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access now, he is saying for example in 20 years, the apartment to the north develops commercial, there would be no need for 2 entrances being that close to the roundabout. Mr. Young asked if it would be okay to still have a right turn in and right turn out off of Salem, as having 2 entrances to a bank is important for traffic flow. Mr. Young explained we would like to have an entrance going one way for the drive-thru traffic. Mr. Shaw stated the office in this location will bring approximately 200 customers a day according to the Planning Commission report, and we will be below the average amount of customers from another type of establishment because we estimated an average of 100 customers per day per bank out of all 14 locations. Mr. Shaw explained including ATM's we have approximately 140 customers per day. Alderman Jones asked which cities does his banks average 100 customers per day. Cathy Owen, chairman of Eagle Bank & Trust, listed the banks; Little Rock, Heber Springs, Vilonia, Drasco, Fairfield Bay, Greers Ferry, Quitman, and Rose Bud. Alderman Jones asked is the average 140 customers in Little Rock. Mr. Shaw stated that number is an average between all 14 banks. Mr. Young asked after we have reviewed other developments on corner lots, if we could require having a right in and right out in the proximity to the roundabout on Salem. Alderwoman Smith asked what the reasoning was for the 5 commissioners voting against this. Mr. Patrick replied there were neighborhood concerns such as the noise, trash, traffic, etc. and their thoughts were that O-2 was supposed to be a medical office. Alderman Hawkins asked what are the hours of other banks. Mr. Shaw replied, they all vary, some stay open until 2 pm on Saturday and some are open until 6 pm during the weekday. Alderman Grimes stated most are 7 am to 7 pm. Mayor Townsell opened the floor to the public to speak. John Cummings, Conway resident, stated his residence is directly behind the bank and had concerns when Dollar General tried to come in there and we were told it was going to be a quiet office which is what we agreed to. Mr. Cummings stated we requested the construction and operational times because he works nights and has to sleep during the day. Mr. Cummings stated he and his neighbors do not want to live next to a bank and do not plan to move. Shelby Huff, Conway resident, stated her concern is the traffic getting in and out of this area is already backed-up with no business there. Ms. Huff stated it is zoned for a quiet office but a bank is not quiet, which will then open it up for the other lots to not be quiet offices either. Mayor Townsell stated that does not apply because this is a conditional use permit for just this bank. Ms. Huff asked if another establishment will be asking for a conditional use. Mayor Townsell replied this is specific to this bank. Alderman Pruitt stated someone would have to come back in front of council for their specific conditional use, depending on what type of business it will be. Alderman Pruitt stated he does not know the difference between a bank and a quiet office. Alderman Pruitt stated what if it is a pediatrics' office, and there are loud children in and out all day long; there are many different scenarios that could be in there for a small office. Ms. Huff stated she understands and that is just her concern. Alderwoman Smith stated Ms. Huff has a valid point with her property value. Ms. Huff stated that she has some reservations of what it could do to the neighborhood. Ms. Huff stated the drainage is a serious issue, and hopes that could be worked out with the bank. Mayor Townsell stated if this gets approved, we will look at the sight direction where the water will be directed in capacity of the downstream impact of where that water is directed which may be a net decrease instead of increase to the surrounding property owners, but we should be able to capture all of the water on sight. Marie Brown, Conway resident, asked does the original covenant of the subdivision not stand today. Mayor Townsell asked if these are a part of the S.T. Smith Subdivision. Ms. Brown replied yes it is and it states it is for residential purposes only, on the lots and subdivision, and it is for single family dwellings; we have had other businesses that have tried to come in but we did not let it happen. Ms. Brown explained in the

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conditional use it states they must have an 8 foot fence and it can only come out as far as the houses are which will come out to the sidewalk and block vision of the vehicles. Mayor Townsell stated we will not let it come out that far for that very reason. Ms. Brown stated there are many items in the conditional use that should be checked. Ms. Brown stated when the bank goes in it will cause much more traffic. Michael Bynum, Executive for Eagle Bank & Trust, stated after searching out many locations in Conway, this is the most ideal location, being on the corner, with the other banks in the area, and the large traffic count. Mr. Bynum explained we are a community bank that has been in business for 96 years, and we will be good neighbors supporting the community with nice building, landscaping, etc. Mr. Cummings stated there are 3 rush hours in that neighborhood, the 8 am school traffic, 12 pm for lunch hour traffic, and going home traffic between 4-6 pm and stated the bank should find a different location. Mayor Townsell stated according to the zoning rules, they can go directly under the O-2 zone, even with a conditional use permit for a bank or they can come in and add these conditions as another bank. Mayor Townsell stated we are anticipating having to widen Salem Road into 4 lanes, at least between Prince and College in order to give more room for traffic to get through the roundabouts; we will probably go all the way through Tucker Creek, which is the problem area according to current traffic counts. Linda Thorton, Conway resident, stated she and her husband are the owners of the corner lot on the other side of Prince and they have a house there with 5 Lots and on Shady Lane they own Lots 2 and 4. Ms. Thorton stated she would like to offer her corner lot, the 5<sup>th</sup> house down, and the lot behind it which would be 5 lots together with privacy fences around; there would be 2 houses facing Prince and 2 houses facing Shady Lane. Ms. Thornton stated this may relieve some of the congestion of traffic there. Mayor Townsell asked Mr. Patrick when the next 2 lots eventually come to us for the similar underlying zoning of O-2, will the 20 foot buffer be needed to the West side of this property and will we still need a bypass lane beyond the ATM to make sure cars do not have to go through the drive-thru. Mr. Patrick replied if those lots were to be rezoned as an office, the buffer would not be an issue. Mr. Patrick suggested with the 20 foot buffer to double up the greenery somewhat on a smaller scale. Mayor Townsell asked would we want to still keep that more sensitive, northwest corner of the property where there seems to have an enhanced ridge of greenery. Mr. Patrick replied yes and the 20 foot buffer will go around the corner and taper down to 6 foot. Mayor Townsell asked would we not want it to run straight down the north side to a 6 foot point and then turn sharply at a 90 degree angle and completely eliminate some of that buffer. Mayor Townsell asked Mr. Shaw if he still wants the bypass for the ATM machine. Mr. Shaw replied yes. Mr. Shaw explained with the conditional use, council has the right to put conditions on it that will satisfy some of the property owner's and the council's concerns, whereas if there was another office there, there would be no conditions. Alderman Pruitt asked if Mr. Shaw is under the covenants that is going to prevent anything besides residential being built there. Mr. Shaw stated he has not read those covenants and most covenants that he has studied are due for a number of years and are either automatic or voted on by majority of the property owners, which this is already zoned as an office. Alderman Grimes asked if our zoning would make a difference on the covenant. Mr. Shaw stated if the covenants are in affect and still good, then once council zones it, the covenant is no longer in effect. Chuck Clawson, City Attorney, stated he would have to research that but believes Mr. Shaw is correct. Mayor Townsell asked when O-2 was rezoned. Mr. Shaw replied July 2013. Alderman Jones stated he will not vote for this conditional use if we keep the condition for construction to work on Saturdays. Mayor Townsell asked why the diagram shows no containers and enclosures for dumpsters. Barry Williams, representative for Eagle Bank & Trust, replied after the Planning Commission gave us our list of conditions, he did some

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inquiries about the street right of way and trash pick-up, and contacted the sanitation department, and they were okay with them having pull carts because of the residential nature of the area. Mayor Townsell stated we need to add that as a condition to make sure that is understood. Mr. Williams stated probably 80-90% of their paperwork will be picked up by a shredder truck. Mr. Williams stated most of the solid waste is going to be lunch room waste in these containers. Mr. Shaw stated if not working on Saturday would make a difference, we would agree with that condition. Alderman Pruitt asked is this rule going to be for inside or outside work. Mr. Shaw replied Alderman Jones did not want any type of construction work done on Saturdays. Alderman Grimes asked if we need to make a motion to amend those conditions. Mayor Townsell asked what the amendment would be. Alderman Jones stated to stipulate no construction work on Saturday. Mayor Townsell stated there is no need for an amendment since the conditional use already states this. Mayor Townsell stated for council to either pick the hours or eliminate closing time restrictions because other banks vary in their operation hours. Mr. Shaw stated they would like to not have that condition because they will not know what their competition hours will be. Alderman Hawkins asked since this is a competitive banking market, what if the bank across the way decides to stay open until midnight, which could cause some problems with the next door residents. Ms. Owen stated ARvest is open 7 am to 7 pm and they are the only bank that was chosen to do that because we found some of those hours have not been cost effective or beneficial, so just because another bank is doing it, does not mean we will. Ms. Owen explained fewer customers are actually coming to the bank anymore, they come to the bank to open the account, but it is online technology, online banking, debit cards, etc. Alderman Hawkins asked if they could do 8 am to 6 pm. Ms. Owen responded she can today, but she has no idea what will happen in years to come. Mayor Townsell stated the issue can be brought back before council at a later time if needed for the hours of operation. Mr. Shaw asked if we need to put hours on it, can we restrict it with our competitors on the next corner which would be 7 am to 7 pm Monday through Friday and 8 am to 2 pm on Saturday. Alderman Grimes stated he is going to vote no because they should be able to set their hours. Alderman Hawkins motioned to amend the lobby hours from 7 am to 7 pm Monday through Friday. Alderman Pruitt seconded the motion. There was no further discussion. The motion passed with Mayor Townsell voting, 4-3. Alderman Grimes, Alderman Jones, and Alderwoman Whitmore voted in opposition. Alderman Hawkins motioned to set the hours for 8 am to 2 pm on Saturdays. Alderman Ledbetter seconded the motion. Alderman Hawkins stated this is hours of operation and does not include construction. There was no further discussion. The motion passed 5-2. Alderwoman Whitmore and Alderman Grimes voted in opposition. Alderman Hawkins motioned to set the drive-thru hours the same hours as the lobby, Monday through Friday 7 am to 7 pm. Alderman Ledbetter seconded the motion. There was no discussion. The motion passed 5-2. Alderwoman Whitmore and Alderman Grimes voted against it. Alderman Hawkins stated the ATM will stay the same at 24 hours per day/7 days a week. Alderwoman Smith motioned for a 6<sup>th</sup> condition of right in and right out only off the Salem entrance. Alderman Hawkins seconded the motion. Alderman Grimes stated we have attempted that several places on Salem and it has not worked out too well. There was no further discussion. The motion passed 7-0. Alderwoman Smith motioned for a 7<sup>th</sup> condition to require a roll cart. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. Alderman Grimes motioned to allow inside construction work on Saturdays. Alderman Pruitt seconded the motion. There was no discussion. The motion failed 3-4. Alderman Jones, Alderwoman Smith, Alderwoman Whitmore, and Alderman Hawkins voted in opposition. Mr. Shaw asked if an 8 foot fence is a part of the requirement. Mayor Townsell replied it is 8 foot right now to the



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west and the north and there is the 20 foot buffer on the west, and that does not give you a drive around lane around the ATM. Mr. Patrick stated condition number 2 is saying that there is a reduction to the 20 foot buffer. Mayor Townsell stated it can be restricted there but if it hits that northwest corner against the single family homes, there needs to be a buffer. Mr. Patrick stated it also includes the landscaping reduction but because of right of way requirements along Salem and Prince, there is a slight reduction there also. Alderman Grimes motioned to approve this conditional use as amended. Alderman Hawkins seconded the motion. There was no further discussion. The motion passed 5-2. Alderwoman Smith and Alderwoman Whitmore voted against it. The conditions for this conditional use permit as amended are as follows:

1. Lobby hours and drive-thru of operation are limited to 7:00 am to 7:00 pm, Monday - Friday. Drive-thru only may also operate 8:00 am to 2:00 pm on Saturday. ATM may operate 24 hours per day/7 days a week.
2. A reduction in the required 20 foot residential landscape buffer on the west side adjacent to the drive through lanes is allowed. A reduction in the required landscape area along Salem Road and Prince Street is allowed.
3. Double the amount of development review required landscaping along the residential boundaries. One half of the required trees are to be evergreen species to provide additional buffering to neighboring residences. At eight (8) foot wooden privacy fence shall be constructed on the west and north property lines adjacent to street rights of way to not cause traffic sight line problems.
4. Hours of construction are limited to 8:00 am to 6:00 pm, Monday - Friday.
5. All site and building lighting must be downward directed and shrouded.
6. Salem Road curb cut shall be right-in and right-out only.
7. No dumpster is allowed. Roll cart trash receptacles shall be used.

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

1. **Ordinance waiving bids for the purchase of an upgrade to the optical sorter on the recycling line for the Sanitation Department.**

**O-15-64**

Jack Bell, Chief of Staff, stated this replaces the control panel, computer hardware and software on the optical sorter. Mr. Bell stated the price will be approximately \$40,000.00, the quote price is \$33,000.00, and then some labor costs installing it. Mr. Bell stated Danny Alford, Shop Manager, found other options that would require a complete redo of this optical sorter area, as they would want to replace it with their equipment, and the quote on one of those was approximately \$400,000.00 to \$500,000.00 and the other one was \$324,000.00 plus \$40,000.00 for installation. Mr. Bell explained it has become inefficient and we need to repair it as soon as possible. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance with the emergency clause. Alderwoman Whitmore seconded the motion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0. The clerk called roll for the emergency clause with the following voting "Aye":

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Alderman Hawkins, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

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

**1. Ordinance appropriating funds for civil service expenses related to promotional police officer testing & amended civil services rules and regulations.**

**O-15-65**

Lisa Mabry-Williams, Human Resources Director, stated as required we conducted police promotional testing for the rights of sergeant, lieutenant, and major and the cost of that testing was \$5,200.00. Mrs. Mabry-Williams stated the \$300.00 is the cost of the court reporter and advertising for the public hearing for the Conway Civil Service rules and regulations proposed changes. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Mayor Townsell stated we do not typically budget this because we are not assured of having them every year and it would take up space in our budget that could be used for something else. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

**2. Ordinance appropriating grant funds from the S.T.E.P. grant program to the Conway Police Department.**

**O-15-66**

A.J. Gary, Chief of Police, stated we are requesting to transfer money from the grant proceeds to the expenditure account in order to purchase 2 handheld radar devices in the amount of \$2,738.12. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

**D. Finance**

**1. Consideration to approve the monthly financial report ending April 30<sup>th</sup>, 2015.**

Tyler Winningham, Chief Financial Officer, stated the sales tax in the general Fund was up 6% compared to last year's sales tax in April. Mr. Winningham stated with the numbers that are shown, we are up 4.5% year to date. Mayor Townsell stated the report for this month are March sales. Mayor Townsell explained March 2014 was the first good month after the 2 months of winter weather when consumers could not make it to shopping centers, whereas this year's March was our impacted weather month. Mayor Townsell stated we have had 3 positive months in a row up 4.5% to 6% and this was a downturn for May reflecting March

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numbers. Mayor Townsell stated we are interested in seeing what happens with the true April and May reports that we will receive in June and July. Mr. Winningham stated the percentage fluctuations for the last year are the less than 1% which has gone up .6% and then down .5%. Mr. Winningham explained our severance tax for February was low at approximately \$13,000.00, and the approximate \$37,000.00 figure for the month is about what it is on average; we will figure out if there may have been an error there. Mr. Winningham stated the Street Dept. spending is still low, but there will be more spending once they can get the approved projects done. Mr. Winningham stated in the Sanitation Fund the proceeds from the recycle materials are off to a strong start, the landfill fees and the sanitation fees charged for pick up are steady. Mr. Winningham stated the Sanitation Fund spending has been slow, but they have approximately \$800,000.00 in their capital budget that should be coming out in the next few months which could lead into a negative figure. Mr. Winningham stated on the Sanitation's balance sheet, the liability section, the 2010 Recycling Note - US Bank has a zero balance because our last payment was in April. Mr. Winningham stated the Airport was profitable for the first 4 months with \$111,026.00 year to date, and there have been many fuel sales. Mr. Winningham stated everything looks good for the monthly financial report for the major project funds. Alderwoman Smith motioned to approve the monthly financial report ending April 30<sup>th</sup> 2015. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

### **E. New Business**

#### **1. Ordinance amending Ordinance No. O-15-31 (Door to Door Solicitation & Peddlers) for the Conway Police Department.**

##### **O-15-67**

A.J. Gary, Chief of Police, stated the solicitors run their criminal background checks with Arkansas Crime and Information Center (ACIC) and according to ACIC rules and regulations this is not a necessary law enforcement function in providing these background checks for permits for peddlers. Chief Gary stated we have added section 4 (f) which states that part of the complete application is to provide their own background check which specifies exactly what information they are needing to provide. Chief Gary stated anyone can go to the State Police and request a background check, it is a \$25.00 fee. Chief Gary stated he also added under section 7 that no background check would be one of the reasons for denying a permit. Chief Gary stated he thought it would be simpler to repeal the old ordinance and create a new one and place an emergency clause because these permits are in the process of being approved and also so anyone can apply at any time. Alderwoman Smith stated anyone can ask to see a permit. Chief Gary stated the permit is supposed to be displayed at all times. Alderwoman Smith motioned to approve the amendments of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Chief Gary stated we have denied some permits before. Alderman Jones asked about a solicitor that has approached his home and he asked the solicitor 5 times to leave, is that when he would call the police. Chief Gary replied yes and asked does he have a permit. Alderman Jones replied yes. Chief Gary stated if anyone has any problems with a solicitor, they can call the police. Chuck Clawson, City Attorney, stated this does not prevent anyone from being a nuisance, the permit will help us track the solicitors out there if they do not do right so we can deny them in the future which will prevent reapplication. Mr. Clawson stated there also could be a violation of any city ordinances or state laws, including the criminal trespass. Mr.

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Clawson stated if they do not have the permit displayed properly, then that will bring up other issues. Alderman Jones asked how many times is someone supposed to tell a solicitor to leave their property. Chief Gary responded once. Alderman Jones asked what do you do if they do not leave. Chief Gary responded call the police. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0. The clerk called roll for the emergency clause with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Ledbetter, Alderman Pruitt, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

**Discussion of Feasibility studies for Spirit Homes Properties.**

Mayor Townsell stated the cost to engage Nabholz services for the feasibility period was \$4,000.00 and the environmental phase 1 cost to get the complete review of the building was \$46,000.00. Mayor Townsell stated the other various specialty contractors are trying to review the building and make sure it is what we want it to be which includes architectural services.

The design/specialty consultant's costs are as follows:

Sowell Architects	\$3,000.00	Billed hourly not to exceed
Crafton Tull Engineering	\$6,800.00	Billed hourly not to exceed
HSA Engineering	\$3,000.00	Billed hourly not to exceed
Myers-Beatty Engineering	\$6,600.00	Billed hourly not to exceed
Reliable Fire Protection	\$500.00	Billed hourly not to exceed

Mayor Townsell explained Crafton Tull Engineering is civil engineering which is primarily land use and core drilling which is going to require punching a series of holes into the property around it to make sure they know what is underneath it. Mayor Townsell stated HSA Engineering is the heating, cooling, and ventilation contractor, along with electrical engineering, and plumbing. Mayor Townsell stated Myers-Beatty Engineering is all of the structural related issues when you start hanging the extra lighting. Mayor Townsell stated the Reliable Fire Protection is the sprinkler system contractor to choose among different methodologies for the entire structure. Mayor Townsell stated the feasibility structure is still going to be approximately under \$30,000.00, with all of the various contractors looking at all of the different specialty interests, it is still significantly lower at \$19,900.00 which would be in the hundreds of thousands of dollars range. Mayor Townsell stated if council wants any information about this building, this is what is required. Mayor Townsell stated they will give us the information to make a reasonable decision on what it will take to convert this building into what we are wanting or tell us that it is not convertible. Mayor Townsell stating he is asking for approval on all of these and to not exceed the billed hourly and operate on the previous approval. Alderman Hawkins stated time is running on this project. Alderwoman Smith stated she did not realize it would cost this much. Mayor Townsell stated we have to have the right information in order to know whether or not it is a valid building and we are already in our 45 day feasibility period. Alderwoman Whitmore stated

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council should see if this is going to be feasible. There was no further discussion. Mayor Townsell stated no motion was needed with the study from Nabholz previous approval.

**Adjournment**

**PASSED this 26<sup>th</sup> day of May 2015**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**