
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
June 24, 2014

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

Call to Order: Mayor Tab Townsell

Roll Call: City Clerk/Michael O. Garrett

Minutes Approval: June 10, 2014

Alderwoman Whitmore motioned to approve the June 10, 2014 minutes as submitted. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

Employee Service Awards

5 Years

Robert Carr - Sanitation Dept.
Logan Day - Sanitation Dept.
Daniel Smith - Sanitation Dept.
Jerome Cook - Sanitation Dept.
Laurie Gist - CEOC/Police Dept.
Dellwyn Elkins - Police Dept.
Matthew Edgmon - Police Dept.

10 Years

Aaron Lenderman - Police Dept.

25 Years

Lynn Johnson - Street Dept.

1. Report of Standing Committees:

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

- 1. Resolution setting a public hearing to discuss the closing of a 15 foot utility easement located in the Trinity Washing Subdivision Phase II.**

R-14-16

Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. The motion passed 7-0. The public hearing will be held Tuesday July 8, 2014 at 6:30 pm.

- 2. Resolution authorizing the City Attorney's Office to seek condemnation for the Favre &**

South Donaghey Roundabout project.

R-14-17

Alderwoman Whitmore motioned to adopt the resolution. Alderman Jones seconded the motion. City Attorney Michael Murphy stated a compromise has not been reached at this time; in order to keep the project moving it is necessary to pass this resolution in the event we need to proceed with condemnation, in order to gain access to the land and start the project. Finley Vinson, City Engineer, stated to his knowledge the property owner has not been reached and explained he has been by there several times, but believes this is rental property. Mayor Townsell stated we can always agree on a settlement prior to going to court. There was no further discussion. The motion passed 7-0.

3. Consideration of a change order (#1) for the site sanitary sewer system project at the Conway Municipal Airport.

Josh Zylks, Airport Manager, asked council to approve this change order and stated the cost is included in the 2013 AIP Federal Grant. Mr. Zylks explained to avoid delays we began construction prior to obtaining final approval from the Arkansas State Health Department and as a result, they requested some modifications you see listed in your packet. Alderwoman Smith motioned to approve the change order. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

4. Ordinance accepting and appropriating grant proceed awards for the purchase of a security system for the Conway Municipal Airport.

O-14-57

A.J. Gary, Chief of Police, explained the airport is a large investment for the city, both publicly and privately and given its remote location, we desired a security system that will provide access control and security surveillance. Chief Gary explained this system will feed back to the Communication Center to help secure the facility. Chief Gary thanked Representative David Meeks for assisting with funding from GIF Funds. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. Ms. Francis called the roll with the following voting "Aye": Alderman Grimes, Alderman Hawkins, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0.

5. Ordinance to rezone property located at 1601 Greenwood Circle from R-1 to R-2A.

O-14-58

Vernon Smith, applicant, explained he seeks rezoning for one-half of the property and wishes to construct a single building to house 2 families. Mr. Smith stated we currently use the property to house out of town employees; in looking at the proposed building it is similar to the existing building and is a little larger and it has nice curb appeal. Mr. Smith stated some concerns of the neighbors were they believed this structure would be very large and take up

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the entire lot which is not the case, it is a smaller building which will be in the center of the lot. Mr. Smith stated they were also concerns that the trees would be cut down when in fact most of the trees will remain, with little change to the appearance of the lot. Mr. Smith stated he would prefer to build a duplex as it would be more cost effective, the layout allows for more luxuries and space at an affordable price, and would cater to high end renters. Mr. Smith stated the increase in traffic will not be significantly impacted. Mr. Smith stated he is aware the comprehensive plan calls for single family dwellings only, but pointed out the corner property is zoned MF-2, which allows a large multi-family apartment complex in the area; his structure will look residential and he does not see much difference between the single duplex verses 2 single family homes. Mr. Smith stated another concern voiced by area residents was a duplex would bring undesirable renters, but feels this would not be the case due to the quality of the structure and the amount of rent that would be charged. Mr. Smith explained when his variance was approved it was not to place the structure 8 ft. from the front of the property, only to request an 8 ft. variance to the depth of the property, due to the city requiring additional right of way on Favre Lane. Jerri Garland, 1840 Favre Lane, explained she does have concerns about backing out onto Favre Lane and a rezoning opens the door for others to request rezoning's in the area and she would like to see the area stay as it is. Ms. Garland asked if the zoning stays R-1, can he then build 2 single family homes, if so her concerns are the same. Mayor Townsell stated Mr. Smith has certain rights by our rules and we cannot and stop him, nor would we want to; our issue tonight is what impact the change could have on the area. Alderman Grimes stated we need to look at the big picture; looking beyond this owner, if the property sales, what could any owner currently do. Bryan Patrick, Planning & Development Director, explained the property is approximately 305 ft. east to west, and 92 ft. deep with the addition of some road right of way dedication as required by Favre Lane; Mr. Patrick stated the lot variance was approved because he would be unable to build anything without it and clarified there is room to build 2 single family homes with the approval of the 8 ft. variance. Mayor Townsell stated the variance was granted because the city increased its required right of way from 50 ft. to 80 ft., meaning 15 ft. on this side would be required off of the depth of the 107 ft. lot, in doing so it took the lot down to a depth of 92 ft., which would mean no one could build on the lot. Mr. Smith reiterated he would prefer to build the duplex. Vonda Carter, 1603 Greenwood Circle, explained when she purchased her home the covenants stated this property was a single family dwelling and she has just invested \$40,000.00 to build a shop on her property and she plan on staying there; she likes the neighborhood, the lot is nice, is a great place for kids, and would like to see this property stay R-1, and feels if council allows this to be rezoned for multi-family, the neighborhood would be opened up to the possibility of other duplexes being built, which does not always positively affect your property value. Alderman Grimes stated he has to leave the meeting but appreciates what Mr. Smith has proposed, but does not feel it is appropriate to put an R-2A in this area, as it could cause a domino effect, and he is not ready to push this. Alderman Grimes exited the meeting. Richard Haverly, 1720 Monaco Dr., stated he does not support a duplex being built on this property and explained he collected 7 signatures who would approve of single family (R-1) only, and 6 signature who are against single family or a duplex; he provided the signatures to council. Mr. Haverly went onto say that there are 6 driveways now between Favre Lane and South German Lane, none between Donaghey and Salem Rd except for the school, and he does want to see anymore added. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 6-0. Alderman Jones motioned to approve the rezoning. Alderwoman Smith seconded the motion. There was no further discussion. Ms. Francis called the roll with the following voting "Aye": Alderman Hawkins,

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Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Jones. The motion failed 0-6.

B. Public Safety Committee (Police, Fire, District Court, CEOC, IT, City Attorney, & Animal Welfare)

1. Ordinance to approve donation of computer hardware to Conway Public Schools.

O-14-59

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 6-0. Lloyd Hartzell, IT Director, explained these are all monitors that the school district has a need for. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. Ms. Francis called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Jones. The motion passed 6-0.

C. Finance

1. Consideration to approve the monthly financial report ending May 31, 2014.

Tyler Winningham, CFO, explained the general fund continues to operate in a lean fashion and stated all departments, except the airport and non-departmental, are below budget for a 5 month average given our current revenue situation. Mr. Winningham explained sales tax for May 2014 was up 6.7% compared to same month last year as of that day, it was essentially flat, making it up .2% for the year. Mr. Winningham stated we have spent \$276,000.00 more than we have brought in; June looks better as we have received our first large distribution from the county (AdVal). Mayor Townsell asked Mr. Winningham to share the information we received today. Mr. Winningham stated sales tax for June 2014 (April sales) was down 9.3%. Mayor Townsell explained the handout he provided council shows sales tax collections by month for every month we have collected sales tax; June 2014 remittance from the state is for April sales, explaining we have always entered sales tax revenues 1 month back, instead of 2 months back. Mayor Townsell stated we have to go back to 2010 to find a month similar to May 2014; we are running at 38% annual revenue not 41%, and we are doing well to keep our expenses down to 39% versus 31%. Mayor Townsell stated we have an ongoing struggle meeting our obligations, any extraordinary expenses will make it difficult to move forward with all the projects we have planned for the general fund, as well as trying to bring the airport online and having not yet been fully reimbursed for these expenses. Mayor Townsell explained not to mention our obligations, to certain employees, we were unable to fulfill based on this budget year. Mr. Winningham explained we get hit twice in down months because our 2012 bond trustee keeps a portion of the funds, when collections are below the minimum level for debt service. Mayor Townsell explained we are trying to take action regarding Central Landing and Lewis Crossing in order to bring more retail stores like Dillard's and Sam's Club, in the hopes it will make us a stronger retail market, and hopefully help us recover and generate retail sales/sales tax so we can pay what we need to pay operationally to run top notch fire and police departments. Alderwoman Mehl asked for clarification on the airport expenditures. Mr. Winningham stated the expenditures are reflected in the budget column, but they may not have actually been spent yet. Mr. Winningham stated the street and sanitation funds are doing well. Alderwoman Whitmore

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motioned to approve the May 2014 financial reports. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

Adjournment

PASSED this 24th day of June 2014

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett