
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
July 26, 2016

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, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Isby. Also, present and acting: Mayor Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson. Alderman Jones was not in attendance.

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett

Minutes: July 12, 2016 City Council Meeting

Alderwoman Smith motioned to approve the July 12, 2016 minutes as submitted. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

Employee Service Awards:

5 Years

Joshua Haile - Sanitation Dept.

Michael Straessle - Sanitation Dept.

25 Years

David Short - Police Dept.

Approval of Monthly Financial Report ending June 2016:

Tyler Winningham, CFO, began with General Fund revenues and stated we had another good month for Ad Valorem and we will see another big push toward years end, sales tax was down 15.5% and there are a few reasons for this, one being the rebates claimed for June 2015 were down (\$117,000.00 in June 2016 vs \$38,000.00 claimed in June 2015) and actual sales were down, but he does not feel that there is reason for concern. Mr. Winningham stated all other revenues are within budgeted levels as are the expenditures, and we have a positive bottom line. Mr. Winningham stated the Street Fund has a negative net expense of (-\$644,899.00) for the year, which is due to the funds we paid the Arkansas Highway Dept. (AHTD) earlier in the year; this is something we expected, and had been saving for. Mr. Winningham stated the other revenues are also in line; state turn back is coming in strong, which includes the funding we were saving to pay the AHTD, the severance tax is down, but we expected this, and sales tax is right on target at 50%, the expenditures are in line, and the capital outlay is slightly above where you want see us at mid-year. Mr. Winningham moved onto the Sanitation Fund; the revenues are strong and we are on target with our sanitation fees, recyclable materials continue to be ahead of budget and the bottom line is healthy and it sits at \$1,833,370.00, moving into the second half of the year. Mr. Winningham moved onto the Airport Fund and stated the hangar rent is coming in slow but after visiting with Josh Zylks, Airport Manager, he is confident that these will pick up later in the year as the bulk of the hangar rentals are due at this time and explained the expenditures are all within budgeted levels. Mr. Winningham stated the Major Project Funds are healthy and the following are the balances:

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- Parks & Rec A&P Tax - \$2,091,970.00,
- Pay as you go Sales Tax - \$2,078,683.00
- Street Impact Fees - \$469,447.00
- Parks Impact Fees - \$293,644.00

Alderwoman Smith motioned to approve the June 2016 Financial Reports. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

1. Report of Standing Committees:

A. Public Hearings

- 1. Public hearing/Ordinance to discuss the closing of a portion of the unbuilt right of way in Block 4, Allinder Addition from Harkrider Street.**

O-16-80

Mayor Townsell stated this right of way is under the building of the 10 Box Food Store. Mayor Townsell opened the public hearing. Bill Adkisson, Attorney at Law, representing Harps Food Stores, stated Harps has recently acquired this building after leasing it for many years, and when the title search was conducted and the surveyors found the unbuilt right of way under the building. Mr. Adkisson gave a brief history of a lawsuit filed by the Housing Authority against the City of Conway in 1977 and explained that during the course of the court decision, the judge found that the right of way had already been abandoned, but it had not been filed properly and asked council to formalize this action tonight. Mayor Townsell closed the public hearing. Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Isby seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Isby. The motion passed 7-0.

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

- 1. Resolution requesting the Faulkner County Tax Collector to place certified liens on property located at 602 5th Street as a result of incurred expenses by the City.**

R-16-25

Alderman Hawkins stated the cost of cleanup was \$173.25 (\$130.23 + Penalty \$13.02 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

- 2. Resolution requesting the Faulkner County Tax Collector to place certified liens on property located at 11 White Oak Drive as a result of incurred expenses by the City.**

R-16-26

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Alderman Hawkins stated the cost of cleanup was \$252.16 (\$201.97 + Penalty \$20.19 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0.

3. Resolution setting a public hearing to discuss the renaming of Clearwell Road to Miller's View.

R-16-27

Alderwoman Smith motioned to adopt the resolution. Alderwoman Isby seconded the motion. Mayor Townsell stated he will not be in attendance on August 9, 2016 nor will Alderwoman Isby or Alderwoman Mehl and explained if another absence occurred the ordinances would have to be pushed out to the next council meeting and asked if we want to change the public hearing date to August 23, 2016. Council agreed that moving it to August 23, 2016, would be best. Mayor Townsell looking across from Nob Hill is Clearwell Road, Millers View, and a branch of Nob Hill; these are all very close in proximity and you may not get complete agreement from the City but this was requested by a citizen. There was no further discussion. The motion passed 7-0.

4. Consideration to approve the nomination of William Meriwether to the Conway Tree Board.

Alderman Hawkins motioned to approve the nomination of William Meriwether with the term expiring December 31, 2019. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

5. Ordinance waiving the competitive bid requirement for the purchase of school zone beacon controllers for the Street & Engineering Dept.

O-16-81

Alderman Hawkins asked if bids were waived due to time constraints. Finley Vinson, City Engineer, stated yes, but we did receive 3 quotes and felt like if we were to bid this, we would get the same numbers back. Alderwoman Isby 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 Isby seconded the motion. Mayor Townsell stated this is for the purchase of 25 school zone beacon controllers at a total cost of \$42,140.63. The low bidder was Consolidated Traffic Controls, Inc. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Isby. The motion passed 7-0.

6. Ordinance authorizing the reclassification of positions and adding certificate pay for the Street & Engineering Department.

O-16-82

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Finley Vinson, City Engineer, stated the next 2 ordinances formalizes the discussion at the council meeting held July 12, 2016. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 7-0. Alderwoman Isby motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Alderman Hawkins asked who this relates to. Mr. Vinson stated the only one that will be affected by this is Jack Branscum (General Certificate). Alderman Hawkins asked if this would affect Neil Reed. Mr. Vinson stated no, not currently. Alderman Hawkins asked where Mr. Reed falls on this scale. Mr. Vinson stated he lies between Intermediate and Advanced; presumably at some point he will move up to the Advanced level, but he is not eligible right now. The retroactive pay is in the amount of \$2,065.20. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Isby. The motion passed 7-0. The following are the certificate levels added to the grid.

Engineer Intern Certificates:

- Entry Level - \$54,282.00
- General Certificate - \$59,582.00

Civil Engineer Certificates:

- General Certificate - \$69,559.00
- Intermediate Certificate - \$80,852.00
- Advanced Certificate - \$87,265.00

7. Ordinance authorizing retroactive pay for the Street & Engineering Department.

O-16-83

Finley Vinson, City Engineer, stated this is for Jack Branscum. Alderwoman Isby 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 and the emergency clause. Alderwoman Isby seconded the motion. The amount of retro pay is \$2,065.20. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Isby. The motion passed 7-0.

8. Consideration to approve as a FY2016 street project and the preliminary budget for the reconstruction of Spencer Street and Smith Street for the Street & Engineering Department.

Mayor Townsell stated we discussed Smith Street as a possible overlay project for this year, but decided against it and recognized that sometimes it is better if we act with other parties, because once a street is cut into, it's better if everybody cuts into it, and gets all the work done. Mayor Townsell stated a project has been presented to us by a private developer who is looking to place a 4 story, 21 unit apartment complex on the corner of Spencer St and Smith Street behind Malvern National Bank; this will require a lot of work with Conway Corp. and we feel now is a good time for us combine our efforts. Brent Salter, Salter Properties, explained we have been looking for opportunities in downtown Conway to put

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residential units, and while working with Malvern National Bank on their remodel we opened the conversation about the vacant parcel behind the bank. Mr. Salter stated this has turned into an agreement to purchase the parcel of land, and to capture the parking necessary for the apartment complex the parking will need to be underneath, which is called podium construction. Mr. Salter stated there are false windows for air transport, 7 units per floor, 2 stair cases and an elevator, and we felt like this is something we can accomplish; the scale is appropriate for what we believe is going to happen with the re-development of Markham Street, compared to the Urban core. Mr. Salter stated a conversation with Conway Corp. lead to a conversation with the city regarding our intentions, and the opportunities this offers us and the city, to improve the streetscapes and to bring more of what is downtown today and what could be downtown tomorrow, and help bridge that gap. Mayor Townsell stated Conway Corp. has developed a capital plan to help do a lot of infrastructure improvements in downtown, and this is a part it. Finley Vinson, City Engineer, stated the cost estimate provided in the packet is for the reconstruction of Spencer Street from Van Ronkle to Smith Street, and also the reconstruction of all of Smith Street; the cost estimate is broken down by street. Mr. Vinson stated the bulk of the work/expense is on Spencer and we are unsure what it will look like, because we still need to determine where the right of way is, and stated the entire roadway is in bad shape and is need of repairs. Mr. Vinson stated we feel there is room to add on street parallel parking on the east side of the road and the west side has businesses that are very close to the road, and most of this will be street scape and driveways. Mr. Vinson stated the west end of Smith Street only has 30 feet of right of way which leaves room for a 24 foot road and a 6 foot sidewalk; the eastern end of Smith Street will have room for sidewalk and streetscape on the south side; the north side is 90 degree parking for a business that is currently there, which will remain unchanged. Mayor Townsell stated it will have street lights, brick inlays, and bulb outs on the street corners. Mr. Vinson stated that will continue onto to the corner of Spencer and Van Ronkle and all the way to the north side of Spencer and Smith. Alderwoman Mehl stated Conway Corp. will need to tear up the road. Mr. Vinson stated yes. Alderwoman Mehl asked about the sequence of events. Mr. Salter stated it virtually has to happen at the same time. Mayor Townsell stated we would coordinate our efforts and the final surface will not be laid until the trenching etc. is done. Mr. Vinson stated we can do the work ourselves or hire contractors; to hire a contractor the estimated cost is approximately \$480,000.00 and if we do the work it will cost approximately \$260,000.00 for all the roadway construction he just described. Alderman Grimes asked if city forces have time to do the work. Mr. Vinson stated the time and money go hand in hand and if we eliminate other projects in order to pay for this, then it would free up time for them to do the work. Mayor Townsell stated our forces are currently working on Central Landing Blvd., which will be done in 6-8 weeks; the next project in line is Eve Lane and if you want to do this project first, it would push Eve Lane out. Alderwoman Smith asked how long will this project take. Mr. Vinson stated probably the rest of the construction season, so we would be into next year before we can do anything else. Alderman Ledbetter stated Eve Lane is just a small section. Alderwoman Smith stated she does not mind, as long as Eve Lane does not get put on the back burner. Mayor Townsell stated we guarantee that will not happen. Mr. Vinson one plan to pay for this is to go through the project list and select \$260,000.00 worth of projects to push out until next year and if we do this, Eve Lane would be first on the list next year. Mayor Townsell stated we could handle this with cash, it will not be out of this year's revenue that comes in it would be out of our accumulated cash. Mr. Vinson asked if it would be fund balance. Mayor Townsell stated yes, fund balance translates back into cash. Mayor Townsell stated it is council decision and we will have to go into it with the

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knowledge that we either go with them, or it will cost us more money. Mayor Townsell stated if approved we need to know if we bid it or do the work with city forces and stated we are prepared to recommend we do this in conjunction with Conway Corp. Alderwoman Smith stated we (Ward 3) are ready to push Eve Lane out until next spring if we need to. Alderman Hawkins asked if this can be done with city forces. Mr. Vinson stated yes. Alderwoman Mehl motioned to complete this work with city forces. Alderwoman Isby seconded the motion. Alderman Grimes stated he would like to thank the Salters for bringing something like this to downtown. There was no further discussion. The motion passed 7-0.

9. Ordinance to rezone property located at 1774 Bill Lucy Drive from R-1 to RU-1.

O-16-84

Mayor Townsell asked if the Planning Commission forwarded this to council with no recommendations. Bryan Patrick, Planning Director, stated it was approved, but there are no conditions because it is a rezoning. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 7-0. Alderwoman Isby motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. Preston Robinson, applicant, stated he is acquiring the property and stated this is to the west of the property that council approved approximately 15 months ago with a different owner; this additional property will allow me to hopefully put an exit gate to be in line with a through street from Bill Lucy to Siebenmorgen. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Isby. The motion passed 7-0.

10. Consideration to amend conditional use permit No. 1354, allowing a self-storage facility to include property located at 1774 Bill Lucy Drive.

Alderman Hawkins motioned to approve the conditional use permit request. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 7-0. The conditions are as follows:

- Structure shall be constructed as presented with decorative masonry walls and architectural metal roofs. Roof color shall be an earth tone red to match the Jacksonville, "Campground Storage" facility.
- Double the amount of development review required landscaping along the north boundary. One half of required trees to be evergreen species to provide additional buffering to residences.
- Fencing shall have an ornamental wrought iron appearance.
- Hours of operation to be limited to 6:00 am to 10:00 pm.
- Initial development of facility is limited to Preston Robinson and/or his business entity. Once construction is complete and facility is operational the facility may be sold and or operated by another individual or business entity.

11. Ordinance to rezone property located at 2157 Prince Street from R-2A to O-3.

O-16-85

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Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Isby motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Jacob Seiter, 2445 Landover Trail, and stated he is a general dentist in the Central Arkansas area and seeks approval in order to construct a small dental office which will be approximately 1600 sq. ft. Mr. Seiter stated a dental office would be consistent with the area. Alderman Pruitt asked why the one commissioner voted in opposition. Bryan Patrick, Planning Director, stated he believes the one commissioner felt it was out of character for the area; there was quite a bit of opposition expressed at the Planning Commission, meeting mostly in regards to vehicular traffic and pedestrian traffic. Mr. Patrick stated he does not believe this will generate enough traffic to hamper pedestrians; it would help because there is no sidewalk there right now. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Isby. The motion passed 7-0.

12. Consideration to approve a conditional use permit request to allow general retail at 650 Dave Ward Drive.

Alderman Hawkins motioned to approve the conditional use permit request. Alderwoman Isby seconded the motion. Bill Adkisson, Attorney at Law representing Charlie DeBoard, and stated Mr. DeBoard would like to purchase this property and move his current electronics operations to where his Polaris ATV business is located. There was no discussion. The motion passed 7-0. The condition is as follows:

- General Retail permitted, but excluding restaurants and shopping centers.

There was some discussion in regards to the ingress/egress on Dave Ward Drive.

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

1. Ordinance appropriating funds received from the Conway Advertising and Promotion Commission to the Parks & Recreation Department.

O-16-86

Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Mayor Townsell explained \$333,527.50 is for the internal materials of the event center that the A&P Commission pledged, and \$937.80 is for the Benchmark trip the Parks & Recreation Dept. took to Edmond, OK to view their aquatics venues and community center operations. Alderwoman Isby motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderwoman Isby seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Isby. The motion passed 7-0.

D. Personnel

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1. **Ordinance appropriating funds to cover expenses related to the Civil Service Commission entry level firefighter and police officer promotional testing.**

O-16-87

Mayor Townsell explained the cost for Civil Service firefighter/police officer promotional testing came to \$13,400.00; this cost is never know to us and we do not budget for it. Alderwoman Isby 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 Isby seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Isby. The motion passed 7-0.

E. New Business

1. **Discussion of an ordinance that would amend Title 6 of the Conway Municipal Code regarding the Animal control ordinance.**

Shona Osborne, Animal Welfare, was present to answer questions. Alderman Pruitt asked what happened to the mini pig situation. Chuck Clawson, City Attorney, stated Landry and his dad came in and Landry had worked all weekend on a presentation, which was handed out to council and suggested allowing Landry to speak when this come up for a vote. Mayor Townsell asked if there was any questions or discussion regarding the proposed amendments to the animal control ordinance. Mr. Clawson stated there was a lot of amendments which included reorganization, clarity, and to help our Animal Welfare officer do their job better. Ms. Osborne stated through the years there were several amendments done and this puts it together in one format. Mayor Townsell stated they did request to be on the agenda for a committee meeting to have more in depth discussion and we can include it next time. There was no further discussion.

Mayor Townsell stated as an administration and community we are going to have a Conversation and Prayer Thursday, July 28, 2016 at 7:00 pm in regards to the race relations issue that has plagued our nation. Mayor Townsell invited the community to come out to True Holiness Saints Family Life Center on Hwy 286 E.

Alderwoman Isby stated tonight our local law enforcement officers are volunteering at Colton's Steakhouse from 5:00 - 9:00 pm, as wait staff; 100% of the tip proceeds go to support the Special Olympics of Arkansas.

Alderwoman Mehl stated there will be a Ward 2 meeting on Thursday, August 18, 2016 from 5:00 - 7:00 pm at the Faulkner County Library.

Adjournment

PASSED this 26th day of July 2016

APPROVED:

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Mayor Tab Townsell

City Clerk Michael O. Garrett