
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
March 23, 2010

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 Smith, Alderwoman Whitmore, Alderman Rhodes, Alderman Grimes, Alderwoman Mehl, Alderman Vaught, Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

Call to Order

Roll Call

Minutes: *March 9th, 2010*

Alderwoman Whitmore motioned to approve the March 9, 2010 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 8-0.

Announcements / Proclamations / Recognition: Employee Service Awards

15 Years:

Detective Chris Mitchell - Police Dept.

20 Years:

Capt. Phil Kirkland - Fire Dept.

Lt. Kevin Moix - Fire Dept.

Dist. Chief Charles Prout - Fire Dept.

Dist Chief Robin Roberts - Fire Dept.

Tony Harrington - Sanitation Director

1. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)

- 1. Resolution authorizing the Mayor to acknowledge a unanimous consent of bondholders relating to the City's' outstanding taxable industrial development revenue bonds (Hewlett Packard Company Project).**

R-10-10

Alderman Hawkins motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration of the nominations to the Conway Corporation Board of Directors.

Mayor Townsell stated that Conway Corporation Board of Directors has chosen John W. Adams to succeed Ritchie Howell whose term expires May 8, 2010. Alderwoman Smith motioned to approve this nomination. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Consideration of nominations for the Conway Civil Service Commission.

Alderman Hawkins stated we have two nominations to fill a six year term on the Civil Service Commission and motioned to accept the nomination of Jeffery Boucher to fill this vacancy. Alderman Vaught seconded the motion. There was no discussion. The motion passed 6-2. Alderman Mehl and Alderman Grimes voted in opposition.

2. Resolution establishing the intent of the City of Conway to annex certain lands compromised of 73.8 acres located north of Highway 319, west of Conway City Limits commonly known as Cadron Settlement Park.

R-10-11

Alderwoman Smith motioned to adopt the resolution and the emergency clause. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

3. Ordinance revising the nuisance abatement and property maintenance chapter of the Conway Municipal Code & revising the sign ordinance.

O-10-25

Mayor Townsell stated this is not amending the sign ordinance. Ottie Cowgill, Code Enforcement Officer, stated this ordinance will reduce fines and penalties from \$250.00 down to \$25.00 for the first offense and subsequent offenses are adjusted as well. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

4. **Ordinance to rezone property located south of Bay Town Drive at the western terminus of Burnt Pine Drive from A-1 to R-1.**

O-10-26

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

5. **Ordinance to rezone property located at 1915 Richsmith Drive from O-1 to MF-3.**

O-10-27

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Eric Holloway, representing Rich Smith Development, stated he purposely did not include Rumker Rd as we have we have already improved Woodside Dr and Rich Smith Ln with all the improvements required as far as East German Ln; everything is still in the planning stages and we still need to submit the site plan and we could discuss those issues at that point. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 6-2. Alderman Rhodes and Alderwoman Whitmore voted in opposition. Alderman Jones asked if Rumker Rd is a city road. Mayor Townsell stated a portion of it is not a city road, it is privately owned.

6. **Ordinance amending the Conway Sign Ordinance, (section 1301) in reference to pre-existing non conforming signs.**

O-10-28

Jasper Burton, Curden Sign Co., stated the agreement, when the sign ordinance passed, was to allow existing signs to be grandfathered in, in the event the streets are widened. Mr. Burton went onto say that you will take ones pole sign at a time when one has already lost property and require one to put up a monument sign up which will require more property to keep a clear sight line and feels this is not a good idea and is opposed to this change. An unnamed audience member stated he believes there is good reason the language in the existing sign ordinance is there and feels it is wrong to go back and change certain portions after the fact. Alderman Hawkins stated if memory serves him the Arkansas Highway & Transportation Dept. (AHTD) came to us last meeting and informed the city they were preparing to do some relocating (along Harkrider) and informed us they would have to adhere to city ordinances currently in place; council disliked the lack of notice we were given. Bryan Patrick, Planning & Development Director, stated that is correct and stated he has since spoken with the AHTD and they appreciated the city trying to get the ordinance changed quickly but they had to move forward with assessments and that is no longer an option. Mayor Townsell explained his stance on this change and is in favor of the change. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Grimes seconded the motion. The motion passed 8-0. Alderman Grimes stated he concurred with the Mayor and does not see the logic in taking down a non-conforming sign and then putting it right back up when one can install a conforming sign; the property owners will be compensated for the old sign and a new conforming sign can be erected. Alderman Jones stated he is somewhat mixed on this change as we cannot fully relate to the impact this it might have on the business if they are unable to keep their existing sign. Alderman Hawkins asked if we had a timeframe on widening Prince St. Mayor Townsell stated we will be looking at Prince St later this year and Ronnie Hall, City Engineer, added that will be getting underway this year. Alderman Hawkins stated he would like to go out and take a look at how many signs will be affected. Mr. Patrick stated this is basically this is the original language from previous sign ordinance. Alderman Grimes asked if we need to amend the ordinance to take out the loop hole by expanding the sign. Mayor Townsell stated yes. Alderman Grimes stated we need to clean that up; we do not need to allow a sign to be expanded if it is moved for this reason. Mr. Patrick read one possible amended version of the proposed ordinance and it is as follows: *"A legally established sign which fails to conform to this Ordinance shall be allowed to continued use. A pre-existing non-conforming sign shall not be expanded, moved, or relocated. A pre-existing non-conforming sign may be relocated if required as part of a street improvement project."* After some discussion Alderwoman Whitmore motioned to adopt the ordinance

with the wording such that signs cannot be expanded but to hold in committee the issue of street frontage. Mr. Patrick read the following language once more and it reads as follows: *"A legally established sign which fails to conform to this Ordinance shall be allowed to continued use. A pre-existing non-conforming sign shall not be expanded, moved, or relocated. A pre-existing non-conforming sign may be relocated if required as part of a street improvement project."* Ms. Whitmore stated she was fine with this language. Alderwoman Mehl seconded the motion. Alderwoman Whitmore motioned to adopt the emergency clause. Alderwoman Mehl seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

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

1. Discussion of an unauthorized boat dock located on Beaverfork Lake at 26 Lakeview Drive.

Mayor Townsell stated in 2008 we voted to remove the boat dock in question and we even held a subsequent meeting to allow for leniency due to the property owner's illness; but to date we have had no progress on this boat dock. James Burnside, Beaverfork Caretaker, stated we gave the property owner until spring to bring the dock up to code, but with all our attempts to contact them we have not gotten any form of response and the phone numbers we have on file do not belong to the property owner any longer. Mr. Burnside stated the property owner was notified that this item would be on tonight's agenda by registered mail and regular mail, to date neither letter has been returned to us. Mr. Burnside explained that due to the heavy rain last fall the dock that was illegally added onto has come apart and is sitting in the middle of the other boat dock that is also coming apart. Mr. Burnside's recommendation to council is to approve removing both boat docks at this time; if word gets around that we are allowing this much leniency while making other property owners follow code we will have a problem getting everyone to pay their fees. Alderman Vaught asked if this would fall under the nuisance abatement ordinance where we can place a lien on the property if the city has to remove the boat dock. City Attorney Michael Murphy stated the property this sits on belongs to the city so we would be responsible to cover the costs of removal. Alderman Vaught motioned to remove both boat docks. Alderwoman Mehl seconded the motion. Mr. Murphy stated once this passes we need to wait 30 days, for the administrative act, and then your action becomes final as long as there is no appeal by the courts. Mayor Townsell asked if we have a way to access the docks. Mr. Burnside stated obviously we can from the lake and he also believes we can access it from Justice Dr.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Vaught asked how can we access the docks if we cannot get to them from the water. Mr. Murphy stated you would need an adjoining property owner's permission to enter via their property, access it by the lake, or via our right of way on the lake. After some discussion the motion passed 8-0.

- 2. Ordinance amending the municipal code Title 12 (Lake Beaverfork) in regards to structures (Section 22).**

O-10-29

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell stated this ordinance will allow for boat docks to be approved and erected if all the criteria are met. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Mehl, Alderman Hawkins, Alderman Smith, Alderman Rhodes, Alderman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

- 3. Ordinance appropriating funds for asphalt paving and stripping of the additional parking lot at City of College Park.**

O-10-30

Mayor Townsell stated this \$45,000.00 will be paid for out of park impact fee special revenue funds. 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 and the emergency clause. Alderman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Mehl, Alderman Hawkins, Alderman Smith, Alderman Rhodes, Alderman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

- 4. Ordinance prohibiting smoking and the use of tobacco products in Parks & Recreation areas in the City of Conway.**

O-10-31

Mayor Townsell stated the ordinance handed out separately from the regular agenda packet bans smoking and tobacco products from city parks. Alderman Hawkins motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 8-0.

Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderman Grimes seconded the motion. Brian Knopp, Parks Director, asked if the language in *Section 1 Definitions; item (b)* can be changed to allow for burning of debris in the parks. Mayor Townsell asked if Mr. Knopp was referencing the phrase "*plant, or other combustible substance*". Mr. Knopp stated yes and recommended striking the word "*burning*" from the same section. Alderman Hawkins amended his motion to strike the word "*burning*" from *Section 1 Definitions; item (b)*. Alderman Grimes seconded the motion. There was no further discussion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, and Alderman Jones. The motion passed 7-1. Alderman Vaught voted in opposition. The clerk called the roll for the emergency clause with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

5. **Consideration to enter into an agreement with Youth Softball Association of Conway (YSAC) and the University of Central Arkansas for rental use of Jefferson D. Farris Junior Softball Fields.**

Mayor Townsell stated this is our standard agreements we do annually. Alderwoman Whitmore motioned to allow the Mayor to enter into this agreement. Alderwoman Smith seconded the motion. Mayor Townsell stated this should be the last year we will need to lease these fields. There was no further discussion. The motion passed 8-0.

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

1. **Ordinance appropriating funds from the District Court automation fund for a surveillance system.**

O-10-32

Donna Clifton, District Court Clerk, was present to answer questions. Mayor Townsell stated we will use \$12,873.00 to purchase this surveillance system. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith,

Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

2. Consideration to enter into a maintenance agreement with Otis Elevator for Central Police Station.

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell stated the contract that is being recommended is \$214.20 monthly and covers service and maintenance including parts and is a 5 year contract. Alderwoman Smith motioned to enter into this agreement for the \$214.20 per month. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. Alderman Vaught stated that Major Milburn had suggested paying this annually to eliminate paperwork on the cities part and asked if this is possible. Mayor Townsell stated we can try to arrange that.

E. Finance

1. Ordinance adopting budget adjustments for the City of Conway.

O-10-33

Mayor Townsell stated these date back a month or so when we were adjusting the budget and these simply did not get added to the last ordinance. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Whitmore, Alderman Grimes, Alderman Jones, and Alderman Vaught. The motion passed 8-0.

F. Old Business

G. New Business

1. Consideration to enter into an agreement with the Arkansas Cooperative Extensive Service.

Mayor Townsell stated this agreement is an annual agreement in the amount of \$25,000.00 for the hiring of a horticulturist for the city of Conway and for its citizens. We contribute approximately 6%, 17% is paid by the county and the remaining is paid by the University of Arkansas Division of Agri financing. Mayor Townsell stated he has been told if we need to delay payment on this in order to preserve a job they are willing to

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

agree to that. Mayor Townsell recommended approving this agreement. Alderwoman Smith motioned to allow the Mayor to enter into this agreement. Alderman Vaught seconded the motion. Alderman Jones asked if we have the money for this. Mayor Townsell stated yes we can do this. There was no discussion. The motion passed 8-0.

Alderwoman Whitmore motioned to suspend the rules to add an item to the agenda. Alderwoman Smith seconded the motion. The motion passed 8-0.

Consideration of a memo of understanding between the City of Conway and Conway Corporation.

Mayor Townsell explained that Conway Corporation approved to pre-pay all the monies that they collect for us and pay to us in order to help us with our cash flow problem. Mayor Townsell went onto explain that the memo of understanding states that Conway Corp has agreed to float us the \$1,238,471.25 in order to close on the final pieces of property we need for the airport as not to strain our general fund further. Alderman Hawkins motioned to approve this memo of understanding. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

Alderman Grimes gave a brief update of the audit committee findings.

Adjournment

PASSED this 23rd day of March 2010

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS
