
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
August 22, 2006

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 Jones, Alderwoman Smith, Alderman Brewer, Alderman Grimes, Alderman Weeks, Alderman Bell, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett.

1. *Invocation, Pledge, Call to Order*
2. *Roll Call*
3. *Minutes: August 8, 2006*

Alderman Bell motioned to approve the August 8, 2006 minutes. Alderwoman Smith seconded the motion. The motion passed 8-0.

4. *Recognition of Guests: Employee Service Awards*

5 Years of Service: Clint Brock - Parks & Rec; Ken Burroughs - Fire Dept.; William Cannady - Physical Plant; & Officer Glen Cooper
20 Years of Service: Milton Bynum -Street Dept.
25 Years of Service: District Chief George Newton – Fire Dept.

5. *Public Hearings: None*
6. *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 vacate a street/alley on a portion of Museum Road.**

R-06-30

Alderman Brewer motioned to adopt the resolution to set the public hearing. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. **Ordinance changing the name of the portion of Siebenmorgen Road that runs north-south from the intersection of the new Siebenmorgen (future) to the intersection of Trison Lane and Bill Lucy Drive to Trison Lane.**

O-06-106

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

- 3. Ordinance appropriating funds for the Conway Permits Department for additional Code Enforcement Officers operating expenses.**

O-06-107

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

- 4. Ordinance declaring an extension of the moratorium established by O-06-37 on the issuance of residential building permits in Old Conway.**

O-06-108

Aldерman Hawkins motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 8-0. Aldерman Hawkins motioned to have the moratorium end on Oct. 30, 2006. Aldерman Weeks seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерman Weeks, Aldерman Jones, Aldерman Bell, Aldерwoman Smith, and Aldерwoman Whitmore. The motion passed 7-1. Aldерman Brewer voted in opposition.

- 5. Consideration of an ordinance creating an Old Conway Design Overlay District. (No action will be taken).**

Aldерwoman Smith motioned to hold this item in committee and hold a public hearing to be held for Sept. 12, 2006 at 6:30 P.M. Aldерman Grimes seconded the motion. The motion passed 8-0.

- 6. Consideration of a request to construct sidewalks at Fairgrounds and Favre Lane in lieu of required subdivision construction**

Robert French, Central Arkansas Professional Surveying, stated that it would be difficult to add sidewalks at this point due to the utilities already being laid and is requesting to put the same amount (approx. 6500 ft) of sidewalks in a different location in lieu of Milestone Subdivision. Alderman Hawkins motioned to allow the movement of sidewalk placement. Alderwoman Smith seconded the motion. Alderman Brewer asked if the ordinance allows this. Bryan Patrick, Planning Director, stated the planning commission can make a waiver in the beginning of a project of \$20.00 per linear sq. ft. that goes into a sidewalk fund, and he also stated the city council determines what to do with the monies from that fund when the project is in later stages. Alderman Brewer asked Michael Murphy, City Attorney, if we can do this. Mr. Murphy stated he would need to look at the provision, but it sounds like your shortening the process by already having a location in mind. Alderman Brewer asked if this process is according to ordinance. Mr. Murphy stated that the ordinance allows for the fund and then the council decides where to use the monies and where to build the sidewalks. Alderman Brewer asked City Engineer, Ronnie Hall, if these sidewalks will cost \$20.00 per linear sq. ft. or if it could more or less. Mr. Hall stated since they will be able to use some of their labor force and equipment they can build them for less than \$20.00 per linear sq. ft. Alderman Brewer stated he is for the project, but doesn't feel it adheres to ordinance and asked Mr. Murphy if this is correct. Mr. Murphy stated that the ordinance would require them to put the money into the fund. Mr. Hall stated that is correct if it were started in the preliminary plat stage, but they were already past this point when the ordinance was passed. Mr. Murphy stated it could be argued that they have done substantial steps within their project that there would be no requirement for them at all. Mr. Murphy said he would be glad to go through the ordinance and double check. Alderman Jones and Alderman Weeks stated they feel the ordinance, in this case, is being followed the best it can be. Rex Lovelady suggested that a sidewalk impact fee should be considered. Alderman Grimes motioned to hold the item in committee until Mr. Murphy can research the ordinance and come back next meeting with a clarified ordinance if necessary. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

7. Consideration of a request from the Bank of Dardanelle for a parking lot variance at property located at 4055 College Avenue.

Bobby French was present to answer questions. Alderman Hawkins motioned to grant the parking lot variance. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Ordinance appropriating donated funds in the amount of \$2,000 for sponsorship for Lights over the Lake.

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Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance. Alderman Weeks seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

2. **Ordinance appropriating funds in the amount of \$8,000 to replenish the gasoline & diesel account for Parks & Recreation.**

O-06-110

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

3. **Ordinance appropriating funds to the Conway Parks Department to replenish the building maintenance account for the remainder of the year.**

O-06-111

Brian Knopp, Parks Director, stated that there has been an unusual amount of air conditioning work that has cost approximately \$15,000 so far this year. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

4. **Consideration of a request to accept the proposal from Ken-Mark for removal of structures at the YBMA Fairground.**

Mayor Townsell stated the amount proposed is \$9,875.00. Alderman Hawkins motioned to accept the proposal and to waive fees for disposal at the Sanitation Dept. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

C. Public Safety Committee (Police, Fire, Dist. Court & City Att., & Animal Control)

1. **Ordinance appropriating asset forfeiture funds to the CPD to replace items on two patrol motorcycles.**

O-06-112

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

- 2. Ordinance accepting the donation of a customized swat bus from IC Corporation & others to the CPD.**

O-06-113

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

- 3. Ordinance accepting assets obtained through court order to the Conway Police Department.**

O-06-114

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

- 4. Consideration of an additional police officer for the Conway Police Department to be used as an SRO officer for the Conway Public School District.**

Alderman Bell motioned to approve this request. Aldерwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Mayor Townsell stated the RFP process for hiring an attorney to represent the cities departments in civil service proceedings is complete and suggested adding this to the

agenda. Alderwoman Smith motioned to suspend the rules to add this item. Alderman Hawkins seconded the motion. The motion passed 8-0. Mayor Townsell stated that two packets had been received from Cross, Gunter, Witherspoon & Galchus, P.C. of Little Rock, AR and one from Williams & Higdon of Conway, AR. These firms were interviewed by Chiefs Aragon and Castleberry, Lisa Mabry Williams, HR Director, and Mayor Townsell and they feel that Carolyn Witherspoon is an appropriate candidate. Mayor Townsell suggested that we accept representation from this firm. Alderman Hawkins motioned to accept this firm to represent the cities departments in civil service. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

7. *Old Business*

A. **Consideration of the proposed sign ordinance (v. 10).**

Alderman Grimes gave a synopsis of what the sign committee had done and Mayor Townsell suggested that each section be discussed. Alderman Jones asked Alderman Grimes if the sign committee members were aware that this item was going to be voted on tonight and if they were in agreement with that. Alderman Grimes stated yes. Alderman Grimes went on to say that some of the major issues were how to apply monument signs going forward, and if so how and how quickly we bring non-conforming signs into compliance. Jack Sotallaro agreed and stated the committee looked at impact the ordinance would have and asked Bryan Patrick, Planning Director, for his opinion and expertise. Alderman Grimes stated that another issue is what to do with the interstate corridor. **Section 1.01 - Purpose:** Alderman Grimes stated that any reference to Urban Overlay District was removed because it does not exist. **Section 1.03 - Applicability:** In the third paragraph the committee changed the word "shall" to "encourage". **Section 2.01-Prohibited Signs: Abandoned Signs:** It was agreed that abandoned signs be removed from this section as they are covered in another area. *Monument vs. Pole:* Issues of visibility with monument signs was discussed and suggested to possibly allow them to be off the ground as a two legged sign to allow a sight line under the sign but not to go above the height limit. Alderman Grimes stated that for the past 18-24 months monument sign language has been added to every conditional use and rezone we could attach it to and feels we should continue with this as a part of the permanent sign ordinance. Alderman Bell stated he would like to allow the two legged signs. Alderman Jones and Alderman Weeks were in agreement. It was determined that the area between the two poles would count towards the area of the complete sign. Mayor Townsell suggested including that in the definition of a monument sign. The council was in agreement. *Billboards:* The council was divided on keeping billboards prohibited. Mr. Sotallaro suggested putting a cap on how many billboards could be allowed in the interstate corridor area and dispersing them farther apart from one another. It was agreed by council to prohibit billboards except in the interstate corridor area up to the number currently in existence as of August 22, 2006 with the size restrictions being the same as what already exists. **Section 2.03 – Signs Not Requiring Permits: Construction**

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signs have been stricken. *Real Estate Signs*: Size limits, number allowed and time limits have been adjusted, Mr. Murphy suggested adding a removal time. *Yard Sale Signs* will be allowed in the right of way and remove the language that states the sign must come down within one hour of the end of sale. **3.03 – Commercial, Office, Institutional, & Industrial Zone – Sign Permit Required:** *Banner signs* are allowed in all C zonings with one per business with a renewable one year permit. *Monument signs* were increased from 48 to 64 square feet. *Wall signs* were increased from 5% to 10% of aggregate area of the building. **3.05 – High Density Commercial Corridor – Sign Permit Required:** This section has been deleted. It was decided there would be a special city council meeting on Aug. 29, 2006 at 6:30 P.M to finish the discussion on the proposed sign ordinance.

8. New Business

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 22nd day of August 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett