
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
June 27, 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 Bell, Alderman Jones, Alderwoman Smith, Alderman Brewer, Alderman Grimes, Alderwoman Whitmore and Alderman Weeks. 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: Alderwoman Smith motioned to approve the June 13th, 2006 minutes. Alderman Bell seconded the motion. The motion passed 8-0.

4. Recognition of Guests: Employee Service Awards

5 Years of Service: Officer Jimmy Weser, Officer David Wright, Officer Aaron Julian
10 Years of Service: Officer Paul Burnett, Sgt. David Murphy
30 Years of Service: District Chief Dirk Sutterfield.

David Grimes recognized Mayor Townsell for his selection to serve as President of the Municipal League in 2007.

5. Public Hearings: None

Mayor Townsell asked that *Item B3-“Consideration of readopting the sign ordinance 0-96-60”* be pulled from the agenda and a published public hearing be set for July 11, 2006. Mayor Townsell asked that this item be held in committee. Alderman Bell motioned to hold this item in committee. Alderwoman Smith seconded the motion. Alderman Grimes motioned to place a moratorium on signage until the sign ordinance can be discussed in a public hearing. Alderman Hawkins seconded the motion. Alderman Brewer spoke in opposition of the moratorium. There was no further discussion. The motion passed 5-4 with the Mayor voting in favor of the motion. Alderman Weeks, Alderman Brewer, Alderwoman Smith and Alderwoman Whitmore voted in opposition. Bryan Patrick, Planning Director, asked if the moratorium allows overlay district signs. Mayor Townsell stated no signs.

6. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, CDC)

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1. Resolution declaring the City's water treatment plant located at Gleason Community to be known as the Roger Q Mills Jr. Water treatment plant.

R-06-22

Alderman Bell motioned to adopt the resolution. Alderwoman Smith 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. Ordinance appropriating funds for the Senior Citizen Transportation Program.

O-06-77

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. 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.

2. Consideration of a request to rename Shasta Street to Shasta Drive.

O-06-78

This item is in the form of an ordinance. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Grimes 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. Consideration of readopting the sign ordinance (0-96-60).

This item was moved up on the agenda and a public hearing is set for July 11, 2006.

4. Consideration of an additional wetland survey for the Western Loop.

Alderman Hawkins stated that two studies have been completed to date and an update is needed the estimated cost is \$23,995.00. City Engineer Ronnie Hall

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stated that a wetland study was completed and the proposed road was moved to avoid the wetland. Another study must be completed because the proposed road was moved beyond the limits of the original study. Alderman Bell motioned to move forward with the project. The Mayor asked for a vote to proceed with the study. The motion passed 8-0.

5. Consideration of request to the final development plan in Scherman Heights PUD to allow a drive thru restaurant for property located at Lot 1 at 605 Salem Road.

Bill Adkisson, representing PayMax Management Inc., was present to answer questions. Kent Holder of 620 Whispering Wind Circle spoke against the proposed amendment to the final development of the Scherman Heights PUD stating that there was no notation allowing a drive thru restaurant on Lot 1. Denton and Doreen McCormick of 2903 College Ave spoke against the drive thru. Alderman Jones, Alderwoman Smith, and Alderman Brewer expressed their concerns on keeping the commitment made to the residents of the area when the PUD was approved. Alderwoman Smith motioned to deny the request. Alderman Grimes seconded the motion. The motion failed 8-0.

6. Consideration of a parking lot variance for Holiday Park Limited Partnership for property located at 2730 Prince Street.

Bob Hambuchen, with Holiday Park Limited Partnership, was present and stated a restaurant is moving into this location and they are seven parking spaces short of the required spaces for a restaurant and they are requesting a variance. Alderwoman Smith motioned to grant the variance with the condition that the variance is based on the presence of Eureka Pizza and their style of business and the new restaurant "Wings Stop" only. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 8-0.

7. Consideration of a parking lot variance for Arkansas Car Wash Systems for property located at 700 S. Hogan Lane.

Curt Koeneke, Project Manager for Arkansas Car Wash Systems, was present and stated that during the construction process a construction worker poured an additional 10 feet of concrete into 4 feet of the landscape buffer and they are requesting a side yard landscape variance. Mayor Townsell asked if the request is for 3 feet. Mr. Pennington stated approximately 3 feet. Alderwoman Smith motioned to grant the variance. Alderman Bell seconded the motion. There was no further discussion. The motion failed 2-6. Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Brewer, and Alderwoman Whitmore voted in opposition.

8. Consideration of a parking lot variance for Taco Bell for property located at 205 East Oak Street.

Gerald Oney, of Gerald Oney & Associates, was present to answer questions. Mr. Oney stated they approached the City if they could build the new building in the same place as the existing building. He was told that the City was looking at changing Oak St. in the future and asked if they would consider making the drive one-way as apposed to the two-way as it now exists. Mr. Oney stated they agreed to look at this and after working with the planning dept. they presented a design that would meet the City's requirement of 10 feet on Oak St. and allow less traffic problems going out onto Oak St. Mr. Oney went onto say that when these plans were presented to the City they were informed that they were in violation of a 20 ft setback request and if the additional 10 ft is given, that the City is asking for, they would then be in violation on the northeast corner. Mayor Townsell clarified that the violations are pre-existing. There was no further discussion. Alderman Bell motioned to approve the variances. Alderman Grimes seconded the motion. The motion passed 7-1. Alderman Weeks voted in opposition.

9. Ordinance establishing the intent of the City to annex certain lands located along the north side of E. Siebenmorgen Road approximately 250 feet east of the E. Siebenmorgen Road/Trison Lane Intersection.

O-06-79

Alderman Bell 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. 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, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderman Hawkins 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.

10. Ordinance establishing the intent of the City to annex certain lands located on the north side of E. Siebenmorgen Road approximately 800 feet west of the East Siebenmorgen Road/East German Lane intersection.

O-06-80

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

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Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

11. Ordinance to rezone the property located between Tyler Street and Padgett Road with street frontage along Tyler Street and From Tyler Street running south along the west side of Canterbury Place (Phase I) and Chestnut Meadows Subdivision from A-1 TO R-1.

O-06-81

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 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, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

12. Ordinance to rezone property approximately 0.15 miles north of the intersection of East German Lane and E. Oak Street at the western termination of Village Commons Drive (under construction) from MF-3 to PUD.

O-06-82

Michael De-Neve, Director of Special Projects for Rausch Coleman Homes, stated the proposal is for a rezoning and a PUD. The current MF-3 zoning allows 247 units and the proposed PUD will reduce this to 138 units. The project will allow ownership and incorporates 23 detached buildings containing six town houses per unit. Mr. De-Neve went on to ask for a 50% park impact fee reduction if the open space is in excess of 2 ½ times the City's standards and will provide a park area. Alderman Brewer asked if they would offer the park facilities to the public wide open with no restrictions or is this strictly for the residents of the development. Mr. De-Neve stated it is not a gated community that anyone that wanted to use the facility would not be prohibited. Alderman Brewer asked if there would provision for individuals to park when they drive to the facility and to what extent are the facilities going to be available to the public he also stated that he understands that in lieu of impact fees, particularly for parks, that we expect to acquire ownership of land for value received. Mayor Townsell stated that was envisioned but not necessarily the only way. Mayor Townsell stated that the only item on the agenda tonight is the rezoning, there is no request for a waiver impact fees and that would have to be put on the agenda for another meeting. Alderman Hawkins motioned to adopt the PUD. Alderwoman Mary Smith seconded the motion. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman

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Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

13. Ordinance to rezone property located at 2165 Old Morrilton Highway from A-1 to RU-1.

O-06-83

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. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 6-2. Alderman Weeks and Alderman Grimes voted in opposition.

14. Consideration of a request for conditional use permit for Transmission Tower/Station (Cell tower) for the property located at 2165 Old Morrilton Highway.

Alderman Hawkins motioned to grant this conditional use permit. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

15. Consideration of a request for a conditional use permit for a duplex for property located at the northeast corner of Fleming & East Streets with the address 1608 Fleming St.

Alderman Hawkins motioned to grant the conditional use permit. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

16. Consideration of a request for a conditional use permit for Electric Substation for the property which is located along the north side of Tyler Street from Tyler's intersection with the eastern leg of Eve Ln.

Alderman Hawkins motioned to grant the conditional use permit. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

17. Consideration of a conditional use permit for Adult Day Care for property located at 1109 Gum St.

Alderman Hawkins motioned to grant the conditional use permit. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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

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1. Consideration of bids for 3 yd containers, a trailer mounted brush chipper and a chipper truck w/ 22 yd box.

Cheryl Harrington, Sanitation Director, was present to answer questions.

3 yard front load containers:

Ms. Harrington recommends granting the bid to Downing Sales due to the bid being expired for WasteQuip. Alderman Hawkins motioned to award the bid to Downing Sales. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

12" Brush Chipper:

Mayor Townsell requested the Council reject the bids and to bid this item using the reverse bid system. Since the bidders have seen each others bid, by this bid, we feel it would be appropriate to so, since the City took demonstration equipment and used it, then did not send them a letter asking them to bid with us. Alderwoman Smith motioned to throw out all bids. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

2007 Chipper Truck with 22 yard box:

Ms. Harrington stated that Barloworld was the lowest bid at \$67,846.00. Alderwoman Smith motioned to accept this bid. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance authorizing the acceptance of the donation of playground equipment at 5th Avenue Park from the Conway Junior Auxiliary.

O-06-84

Alderwoman Whitmore motioned to waive the readings of the ordinances. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. 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, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

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

1. Ordinance appropriating donated funds from Wal-Mart to purchase a portable hot water pressure washer for the Conway Fire Department.

O-06-85

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 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.

2. Ordinance appropriating donated funds from First State Bank to purchase a rescue Randy training manikin for the CFD.

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 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. Consideration of a grant for Staffing for Adequate Fire and Emergency Response (SAFER) for the CFD.

Bart Castleberry, Fire Chief, was present and stated the grant works differently this year that if we apply for 18 fire fighters and are awarded the grant money, we would have to take all 18 or none. Alderman Brewer asked what are the immediate needs with the growth of the City (with the likelihood of having to build another station within five years) and how many can you afford after five years. Chief Castleberry stated he would like to get to a minimum of 3 men to a truck except for the Central Fire Station, and in the near future 4 men to a truck. Alderwoman Smith asked how many that would be for the immediate need. Chief Castleberry stated that six would be a good starting point. Mayor Townsell asked Chief Castleberry to talk about replacing a station with tax and bond revenue, and also a new station, and the staffing needs for these. Chief Castleberry stated that with bond revenue to build station 8 we would like to put a ladder truck and an engine there and start 4 men to a truck, so that would be 24 people for that station. Alderman Brewer asked if he can afford 6 more firemen under this program. Chief Castleberry stated yes, if the department is given the revenue as the years go on, but right now it is not in his budget. Mayor Townsell asked how long we have to keep the firemen after the 5 years. Chief Castleberry stated he did not know. Mayor Townsell stated he would like to know how long we have to maintain the level of funding and staffing for the new firemen. Alderman Brewer motioned to allow Chief Castleberry to apply for the grants being conditional on the council being able to turn it down and based on 6

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additional fire fighters. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

E. Finance

1. Consideration of a request to remove items from the inventory list and dispose of them.

Robin Scott, Chief Financial Officer, was present to answer questions. Alderman Hawkins motioned to approve the request. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

7. Old Business

- A. Discussion of 2005 Comprehensive Annual Financial Report.

Robin Scott, Chief Financial Officer, was present to answer questions. Ms. Scott stated that Act 499 and 424 of 2005 changed the law that allowed cities to issue agreed upon procedures engagement rather than GAAP audits. The law is written, if you want a GAAP audit, which our bonds require, an annual resolution has to be passed. Alderman Brewer motioned to suspend the rules to consider the resolution. Alderwoman Smith seconded the motion. The motion passed 8-0.

R-06-23

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

Jacob Wells, with Jeffrey, Phillips, Mosley & Scott, was present to answer questions in regards to the recent audit. Alderman Hawkins motioned to approve the audit. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Alderman Brewer motioned to suspend the rules to discuss destruction of accounting records. Alderwoman Smith seconded the motion. The motion passed 8-0. Robin Scott, Chief Financial Officer, was present to answer questions. Alderman Brewer motioned to destroy the records in accordance with Arkansas Annotated Code 14-59-114. Alderwoman Smith seconded the motion. Alderman Hawkins asked if the finance dept. was sure these records would never be needed. Mayor Townsell stated that the City has kept these records the minimum amount of time required by the State. There was no further discussion. The motion passed 7-1. Alderman Hawkins voted in opposition.

8. New Business

A. Update on 2006 Bond Issue & ordinance appropriating bond proceeds for the 2006 sales and use tax bonds.

O-06-87

Robin Scott, Chief Financial Officer, was present to answer questions. Ms. Scott stated that June was the first month revenue was received under the new rededicated sales tax. Approximately \$450,000.00 was deposited with the trustee, one-half of that is earmarked to pay off the bonds and one-half is available for the pay as you go projects. This ordinance recognizes that this revenue is coming in and generates the revenue to be used to fund the new police station. Mayor Townsell stated that he recommends approving the major contracts, but to bring each pay as you go item/project before the council so they will know the purpose of each purchase. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith 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. Alderman Hawkins motioned to adopt the emergency clause. Alderwoman Smith 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.

Bart Castleberry, Fire Chief, stated that we must keep any fire fighters hired under the SAFER grant program for 5 years. *(This is in reference to item D-3 above)*

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 27th day of June 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett