
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
October 9, 2007

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

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* September 25th, 2007

Alderwoman Smith motioned to approve the Sept. 25, 2007 minutes as submitted. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

4. *Recognition of Guests:* None
5. *Public Hearings:*

- A. **Public hearing to discuss removing the 7.5 floodway easement on Lots 28 & 45, in Weatherstone Subdivision.**

Mayor Townsell opened the public hearing. There was no one present to speak. Mayor Townsell closed the public hearing.

1. **Ordinance to remove the 7.5 floodway easement on Lots 28 & 45 in Weatherstone Subdivision.**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Ronnie Hall, City Engineer, stated the easement is being reduced from 22.5 ft. to 15 ft; 15 ft. is acceptable as long as long as grading work is done but Mr. Hall is unsure if the grading work has been completed. Alderwoman Smith motioned to hold this item in committee until the grading work is completed. Alderwoman Whitmore

seconded the motion. There was no discussion. The motion passed 8-0.

6. Report of Standing Committees:

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

1. Consideration to enter an agreement with Peters & Associates for traffic signal coordination on Oak St, Prince St, & Donaghey Ave.

Ronnie Hall, City Engineer, stated we have received a proposal to update our traffic signal coordination plan on the above mentioned streets. The proposal is approximately \$41,639; Peters & Associates was selected to do this work back in 2005 and they have done a good job on the initial coordination plan. Alderman Bell motioned to enter into this agreement. Alderwoman Smith seconded the motion. Alderman Jones asked how long this will take. Mr. Hall stated approximately 3 months. There was no further discussion. The motion passed 8-0.

2. Ordinance accepting donation funds and appropriating funds for Orchard Park Road Improvements.

O-07-124

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 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 Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

3. Ordinance to rezone property located on the North side of Highway 64 East at 1570 East Oak Street from A-1 to C-3.

O-07-125

Bill Adkisson, Attorney at Law representing Jim Smith, stated the applicant wishes to rezone the property to C-3 to expand his business and

given what is surrounding this property he believes that keeping it residential is not feasible. 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 ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

- 4. Ordinance to rezone property located at the northwest corner of Prince Street at Country Club Road intersection and extending north along Country Club Road for approximately one-quarter of a mile from A-1 to R-1.**

O-07-126

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Randy Frazier, Attorney at Law representing John Pennington, stated that all the land surrounding this property is zoned R-1 and the proposed plan is for 19 lots with homes approximately 1300 - 1500 sq. ft. with prices in the area of \$150,000. Chris Throneberry, 9 Lexington, stated with the addition of this subdivision increased traffic is a concern because of the nearby school and the area neighborhoods as traffic is already a problem in the area. Frank Shaw, Applewood Cove subdivision, stated his concern is that these homes will be rental property and feels it is an inappropriate location for rental property and is also concerned about the traffic issues. Steven Carlson, 8 Brandywine Cove, stated there is a difference in living styles of individuals who own and individuals who rent which is fine if it is mapped out correctly and he believes the proposed plan is a mismatch for the area. Sloan Powell, 16 Lexington, stated her concerns are for the children who will be walking to school and the increased traffic flow will certainly pose safety issues. Travis Cloud, 1155 Applewood Cove, Richard Counce, 1010 Applewood Cove, Lee Lawrence and Bill Strange, Jefferson Place Subdivision, and Greg Little, 22 Lexington, all spoke in opposition of the development. Mr. Frazier stated that there would be sidewalks built to ensure the safety of children and the true issue here is if the land itself should be rezoned. Frank Schueneman, 10 Lexington, spoke in opposition. There was no further discussion. Alderwoman Smith motioned to deny the request. Alderman Grimes seconded the motion. Brian Patrick, Planning Director, suggested to the council that

you allow the applicant to bring this back as a PUD. Alderwoman Smith amended her motion to allow the applicant to bring this back as a PUD within the one year time frame. Alderman Grimes seconded the amendment. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-1. Alderman Vaught voted in opposition.

- 5. Ordinance to rezone property located approximately 300 feet north-northeast of the Donaghey Avenue/Meadowlake Road intersection, directly in front of the original phase of June Beene apartments (the westernmost apartments) from O-2 to O-1.**

O-07-127

Alderman Bell 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. Alderman Bell seconded the motion. Jim Rankin, 1307 Main St, stated Conway Copies wishes to relocate to this property and a print shop is allowed in O-1, but not in O-2. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

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

- 1. Ordinance waiving bids for the purchase of a transmission for the Terex dirt truck for the Sanitation Department.**

O-07-128

Cheryl Harrington, Sanitation Director, stated the cost of a new transmission is \$39,500. 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 and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught,

Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

2. Consideration of bids for the purchase of a Commercial Rear Load Refuse truck for the Sanitation Department.

Mayor Townsell stated the recommendation is to accept the second lowest bid from Downing Sales & Service as the bid met or exceeded all specifications. Alderwoman Smith motioned to accept the bid from Downing Sales & Service. Ms. Harrington stated the amount will be for \$122,533.00 after trade in allowance. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

3. Resolution approving a contract of obligation with the Department of Environmental Quality.

R-07-29

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. Cheryl Harrington, Sanitation Director, stated this is in regards to the compost facility and basically is an assurance that the city will take action on any problems found by the State at this facility. If the City fails to take action the State can close the facility and collect \$25,000 from the City to perform the needed corrections. There was no discussion. The motion passed 8-0.

C. Finance

1. Consideration of bids for two digital copiers for City Hall & the Conway Police Department.

Mayor Townsell stated that the bid specs were re-written to make sure we did not exclude anyone and stated the users wish to stay with a Canon copier, but the Canon is not the low bid. Mayor Townsell stated we received a call from a Canon USA representative that informed us that Central Arkansas Copier Sales & Leasing is not an authorized Canon dealer and as a consumer our warranty could be put in jeopardy if the copier breaks down we would not be guaranteed to receive genuine Canon products since Canon would not provide these to Central Arkansas Copier Sales & Leasing. Rance Patterson, Central Arkansas Copier Sales & Leasing, addressed the council and stated he is an unauthorized dealer through Canon USA and he doesn't feel that is a necessity and it would

only mean he would have to charge more. Fred Hill, Business World, stated they bid two products; Rioch, which is a very well made product, and Kyocera which the Police Station has. Mr. Hill stated he will provide us with certificates of being a dealer and certificates with all of their technicians that are trained on these products. Mr. Hill went onto say that they will have a location in Conway within the next 2 months. Alderman Hawkins motioned to accept the low bid from Business World for the Rioch 5500SP in the amount of \$22,724. Alderman Bell seconded the motion. The motion passed 7-1. Alderwoman Smith voted in opposition.

2. Ordinance appropriating funds for office equipment for City Hall & the Conway Police Department.

R-07-129

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. Mayor Townsell stated we will transfer over the amount needed for the copiers not to exceed the bid amount of \$22,724.00. Alderman Bell motioned to adopt the emergency clause. Alderwoman Smith seconded the motion. The motion passed 8-0. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

7. Old Business

A. Ordinance amending the fees collected by the Conway Permit Department.

O-07-130

Mayor Townsell stated there is a revised element regarding **Section 3 - Building/Residential Permits**; where it reads 0.06 cents per sq. ft. beginning January 1, 2008. Mayor Townsell stated that will be up to a \$130.00 minimum, not a \$250.00 minimum. We will then go to 0.10 cents per sq. ft. beginning July 1, 2008; at this point it will go up to the \$250.00 minimum. Mayor Townsell explained we are taking electrical, plumbing, and HVAC fees up double, going from .03 per sq. ft. cents to .06 cents per sq. ft. which is compatible with Maumelle and Little Rock. The building

permits on the commercial side will go up from .03 cents per sq ft. to .06 cents per sq. ft. January 1, 2008; then on up to .10 cents per sq. ft. on July 1, 2008 and we can expect these revenues increases to put our total building permit fees to still be below Little Rock, North Little Rock, Maumelle, Fayetteville, Springdale, Rogers, Hot Springs, and Russellville. Alderwoman Smith asked if there were minimums on the commercial costs on either one of these. Mayor Townsell stated the minimums are the same. 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 Grimes seconded the motion. Mayor Townsell stated the emergency clause need to be removed from the ordinance as it is not needed. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

8. *New Business*

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 9th day of October 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett