
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
April 24, 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; Alderman Hawkins, Alderwoman Smith, Alderman Vaught, Alderman Grimes, Alderwoman Whitmore, Alderman Bell and Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett. Alderwoman Mehl was not present.

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* April 10th, 2007 & April 17, 2007

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 7-0.

4. *Recognition of Guests: Employee Service Awards*

5 Years

Police Dept.

Christy Capps
Dorbetha Rhea

Fire Dept.

Chad Davis
Chad Johnson

Sanitation Dept.

Moses Maestas

5. *Public Hearings:*
6. *Report of Standing Committees:*

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

1. **Consideration to accept the nomination of Lori Ross for the Conway Corporation Board of Directors.**

Alderwoman Smith motioned to accept the nomination. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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

1. **Resolution setting a public hearing to discuss an easement reduction in the 15' utility easement running along the East side of the Lot 184 Westin Park Subdivision, with a property address of 330 Esplande Avenue.**

R-07-09

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. The public hearing is scheduled for Tuesday May, 8 2007 at 6:30 p.m. There was no discussion. The motion passed 7-0.

2. **Consideration for an overlay district variance, to allow more than one building on one lot for the property located at 2400 Prince Street.**

George Doty was present to answer questions. Alderman Bell motioned to approve the variance. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

3. **Ordinance to rezone the property located at the southeast corner of College Avenue and Hubbard Road with the address 2611 College Avenue from R-2 to MF-2.**

O-07-44

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Bell seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

4. **Ordinance to rezone the property located at 1912 Caldwell Street from R-1 and R-2A to HR.**

O-07-45

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. Alderwoman Smith motioned to adopt the ordinance. Alderman Grimes seconded the motion. Mary Ann Welch, President Old Conway Preservation Society, spoke in favor of the rezoning. 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, and Alderwoman Whitmore. The motion passed 7-0. Alderman Bell motioned to adopt the emergency clause. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman

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Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

5. Consideration of a conditional use permit for a bed and breakfast to be located at 1912 Caldwell Street.

Alderman Hawkins motioned to grant the conditional use permit. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0. The conditions for this conditional use permit are listed below.

1. Number of guest rooms is limited to four (4) plus one guest house to be used as one garage apartment unit.
2. No external sound system is allowed.
3. Parking is limited to the rear of the home.
4. Guest house may be used for one garage apartment unit.
5. Owner must live on the premises as required by definition of “bed and breakfast” in the Zoning Ordinance.
6. Any lighting shall be not more than one foot candle at the perimeter.
7. Signage is limited to one non-illuminated sign not more than six (6) square feet in area.
8. Any fencing must meet requirements of the Historic District Commission.
9. This conditional use is valid for current applicant only. Current applicant Joanne Stevens.

6. Consideration of a conditional use permit for retail-high impact: farm equipment sales for property located at 1060 Runway Drive and/or 205 Tilk Road.

Fred Langford explained that after discussions with the business owner they are requesting to be allowed to install a 30 foot tall sign. Mr. Langford stated since this property is zoned I-3 and they also request not to be required to include sidewalks in their site review. Condition # 1 will now read “*Free standing signage is limited to no more than 30 feet tall and 150 square feet in area per side*”. Condition # 4 will now read “*Standard site plan review is required; excluding sidewalk requirements*”. Alderwoman Smith motioned to grant the conditional use permit with the amended changes in conditions # 1 and # 4. Alderman Jones seconded the motion. There was no discussion. The motion passed 6-1. Alderman Grimes voted in opposition.

1. Free standing signage is limited to no more than 30 feet tall and 150 square feet in area per side.
2. Signage lighting shall conform to FAA requirements.
3. Lighting is to be inward, downward, and shrouded.
4. Standard site plan review is required; excluding sidewalk requirements.
5. Parking is limited to 21 parking spaces.

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6. Opaque fencing (non see-through) at least 6 feet in height is required on the north side and the south side of the property to hide the storage area, or suitable vegetation screening that will serve the same purpose.

Alderwoman Smith motioned to suspend the rules to move item 7-A ***“Discussion on the roundabouts for Prince St. and Western Ave.”*** up in the agenda. Alderman Bell seconded the motion. The motion passed 7-0. Ronnie Hall, City Engineer, stated the roundabout was requested by the Conway School District to help students leave campus in an orderly and safe manner. Mr. Hall stated the traffic study that was completed for this area shows that traffic backs up on Prince St. westward 419 ft from the signal at Prince St. and Donaghey Ave; which is 200 ft shy of the roundabout, so it does not appear that this would cause a backup of traffic in the roundabout. Mr. Hall went on to say that since the roundabout is shifted westward from the intersection of Prince & Western it will have minimal physical impact on the properties to the east of Western; and appears it will provide an efficient outlet for school traffic. Caitlin Brown, Conway High Student, explained there is a need for students to exit the school grounds in a safe manner and suggested building a road from the Conway High baseball field parking lot to the west which could meet up with the light at Farris Rd. However this would require obtaining some of the church land. Norma Smothers, resident of Bellmeade Subdivision, stated she does not feel the roundabout is the solution for the Conway High School traffic and suggested that the council consider other egresses from the campus and require the student body to enter or leave the campus area in designated routes. Mike Rush, 1022 Western, stated there are several other options to consider and explained that there are elementary aged children who walk down Western to school on the street, because there is no sidewalk and he feels it is unsafe for them as it is. Cindy Rush, 1022 Western, stated she works from home and watches the traffic to and from the school daily, and during the morning and afternoon school traffic there is a constant flow of cars going by her home and in her opinion a majority of the vehicles are traveling over the speed limit and feels once Western is improved, the rate of speed will increase. She is also concerned for the safety of the elementary aged children who walk to school down Western and feels a roundabout is not the solution. Mr. & Mrs. Rush both feel that there will be an increased flow of traffic on Western once the street is improved and if the proposed roundabout is built. Alderman Grimes stated that he doesn't know if there the traffic flow on Western will increase or not. Mr. Rush stated that Western was never meant to be an exit for the school. Mr. Rush went onto say that there is a sign at Western & Weems indicating traffic on Western is one-way going north during certain hours of the morning/afternoon, but since they have lived there for the past 10 years this has never been enforced. Mr. Rush stated the schematic shows that the road cut coming out of the school property to Western and it shows two lanes coming out of the school, so he feels that the traffic will increase on Western. Alderman Grimes asked if the drawing of the road coming out of the school is the final design whether the roundabout is built or not. Mr. Hall stated yes. Mr. Rush stated that the school applied for a conditional use permit in 2005 and this item was sent to committee to be discussed further. Once the item came back before the

council several conditions were attached to the permit and he believes they were told the school would not make an exit from their property onto Western. Alderman Jones inquired if Western Ave. was more important to empty school traffic or sporting event traffic. Mayor Townsell stated the City would look at them as the same. Robert Haskett, owner of The Brewery, stated that something has to be done about the school traffic and is against the placement of the proposed roundabout. Barbara Lyons, 2158 Prince St., agrees that traffic is a problem but believes that the roundabout will make it worse and she is against the proposed roundabout. The conditional use permit mentioned above by Mr. Rush was delivered to the meeting. Mayor Townsell read condition #3 which states ***“There shall be no curb cut on Western Ave. until the street is improved to city standards.”*** Mayor Townsell stated this is being done now. Velton Daves, 955 Western, spoke in favor of the proposed roundabout. Laura Haskett, owner of The Brewery, stated she is concerned about the loss of business this could cause and is in opposition of the proposed roundabout. Mayor Townsell explained that there was a request for a traffic signal to be placed on Prince St. at the Conway High School driveway; but the City feels this is not a good solution because it will impede traffic on Prince St. throughout the day. Alderman Hawkins asks if this project could be moved slightly to the west. Ronnie Hall stated that could be a possibility and the current drawing was simply a concept plan. Alderman Hawkins requested Mr. Hall draw the roundabout in the proposed location slightly to the west for the council to examine. Ms. Smith seconded the motion. There was no discussion. The motion passed unanimously.

7. **Consideration of a conditional use permit for flammable gases or liquids-storage and sales (petroleum products) for property located on Amity Road, immediately west of Schlumberger Technology Corporation site in Guy Murphy Industrial Park.**

Alderman Bell made a motion to hold this item pending further review from the fire department. Alderman Jones seconded. The motion passed unanimously.

8. **Ordinance amending the Old Conway Design Overlay District ordinance for the City.**

O-07-46

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Mehl and Alderwoman Whitmore. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Mehl and Alderwoman Whitmore. “Nay”: Alderman Vaught. The motion passed 7-1.

9. **Resolution for a limited extension of the extraterritorial jurisdiction boundary for zoning & planning. (*Information to be provided prior to meeting*)**

Alderman Vaught made a motion to hold this item in committee for further public input. Alderman Bell seconded the motion. There was no discussion. The motion passed unanimously.

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

1. **Consideration to enter into an agreement with the University of Central Arkansas for the rental of Jefferson D. Farris Jr. Softball fields for 2007 and an agreement with Conway Youth Softball Association, University of Central Arkansas and the City of Conway.**

Alderwoman Smith motioned to enter into this agreement. Alderman Hawkins seconded the motion. There was no discussion. The motion passed unanimously.

2. **Consideration/ordinance to reduce fees for one day at the City of Conway Sanitation Department for county residents to coincide with the 2007 Great American Spring Cleanup Event.**

O-07-47

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to approve the ordinance. Alderwoman Mehl seconded the motion. Angie Howard was present to answer any questions. May 19th was declared the day fees would be reduced. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Bell, Alderwoman Smith, Alderman Jones and Alderwoman Whitmore. "Nay" none. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Bell, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. "Nay": None. The motion passed 8-0.

3. **Consideration of bids submitted for a front end loading refuse truck for the Conway Sanitation Department.**

Alderwoman Smith motioned to approve the low bid from Barlow World in the amount of \$180,487. Alderman Jones seconded the motion. There was no discussion. The motion passed unanimously. 8-0

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

1. Ordinance appropriating donated funds for equipment at the training site for the Conway Fire Department.

O-07-48

Alderman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Smith motioned to approve the ordinance. Alderman Hawkins seconded the motion. Chief Castleberry was present to answer any questions. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Mehl, Alderman Bell, Alderman Smith, Alderman Jones and Alderman Whitmore. "Nay" none. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Mehl, Alderman Bell, Alderman Smith, Alderman Jones, and Alderman Whitmore. "Nay": None. The motion passed 8-0.

2. Ordinance appropriating donated funds for (2) competition manikins for the Conway Fire Department.

O-07-49

Alderman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Smith motioned to approve 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 Vaught, Alderman Mehl, Alderman Bell, Alderman Smith, Alderman Jones and Alderman Whitmore. "Nay" none. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Mehl, Alderman Bell, Alderman Smith, Alderman Jones, and Alderman Whitmore. "Nay": None. The motion passed 8-0.

3. Ordinance appropriating asset forfeiture funds to various department to comply with the 2003 agreement with the Conway Regional Drug Task Force and other local agencies.

O-07-50

Alderman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Smith motioned to approve the ordinance. Alderman Bell seconded the motion. Police Chief, A.J. Gary

was present to answer questions. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Bell, Alderwoman Smith, Alderman Jones and Alderwoman Whitmore. "Nay" none. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Bell, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. "Nay": None. The motion passed 8-0.

4. Consideration of bids submitted for a custom adoption trailer for the Conway Animal Welfare Unit.

Shawna Osborn, Director of Animal Control, was present to answer questions regarding the purchase. Deerskin Mfg, Inc was the low bid at \$28,500. Alderman Bell motioned to accept the low bid. Alderwoman Smith seconded the motion. The motion passed 8-0.

5. Ordinance amending Title 6 of the Conway Municipal Code in regards to animal control for the Conway Animal Welfare Unit.

Mayor Townsell requested the council hold this item in committee to be discussed at the May 8th committee meeting. There was no discussion. The motion passed 8-0.

6. Consideration of the addition of a network engineer to the existing pay grid for CEOC.

Mayor Townsell presented the proposed salary grid and step increase to the City Council. The cost if the employee is hired on May 1, 2007 would be \$40,809.89 for 2007. Alderman Hawkins made a motion to approve the request. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

7. Ordinance appropriating funds for the network engineer staff for the CEOC.

O-07-51

Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to approve the ordinance. Alderwoman Mehl seconded the motion. Alderman Vaught explained this is what was discussed during budget planning in January and will provide the city with a full time position. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Bell, Alderwoman Smith, Alderman Jones and Alderwoman Whitmore. "Nay" none. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderwoman Smith seconded the motion.

The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Bell, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. “Nay”: None. The motion passed 8-0.

E. Finance

1. Consideration of an acquisition of a new postal machine from Pitney Bowes for the Conway Finance Department.

CFO, Robin Scott, explained the postal machine will be obsolete when the new postage fees go into effect. Ms. Scott explained the increase would be less than \$100 per month compared to the current machine that is being leased. Alderman Bell moved to approve the lease agreement. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

7. Old Business

A. Discussion on the roundabouts for Prince Street and Western Ave.

(moved up on the agenda)

8. New Business

Alderman Grimes made a motion to suspend the rules to add an item to the agenda. Alderman Bell seconded the motion. There was no discussion. The item was added to the agenda.

A. Discussion of an ordinance waiving the bid for the purchase of 40 yard dumpsters from Linn Paper Stock.

O-07-52

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to approve the ordinance. Alderwoman Mehl seconded the motion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Bell, Alderwoman Smith, Alderman Jones and Alderwoman Whitmore. “Nay” none. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderman Bell, Alderwoman Smith, Alderman Jones and Alderwoman Whitmore. “Nay”: None. The motion passed 8-0.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 24th day of April 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett