
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
June 23, 2009

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 Grimes, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Vaught. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and Deputy City Attorney Kurt Meredith. Alderman Jones, Alderman Rhodes, and Alderwoman Smith were no in attendance.

1. **Call to Order**
2. **Roll Call**
3. **Minutes:** June 4th, June 9th, June 17th, 2009

Alderwoman Whitmore motioned to approve the June 4th, June 9th, and the June 17, 2009 minutes as submitted. There was no discussion. The motion passed 5-0.

Mayor Townsell explained that due to the absences tonight council will need to proceed differently tonight. State law requires an ordinance to be read once tonight or to suspend the rules to deal with the ordinances tonight; but it takes six alderwomen/aldermen to suspend the rules. Mayor Townsell suggested that once Alderman Jones arrives and prior to Alderman Grimes leaving, we suspend the rules and deal with the ordinances at hand. Alderwoman Whitmore motioned to proceed with the agenda items that can be dealt with five votes. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 5-0.

4. **Recognition of Guests:** Employee Service Awards
5. **Public Hearings:**
6. **Report of Standing Committees:**

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

1. **Resolution establishing the intent of the City to annex certain lands located along the east side of Old Military Road north of Deerbrook subdivision.**

R-09-30

Alderman Hawkins motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 5-0.

2. **Ordinance amending ordinance O-09-54 City of Conway Zoning Ordinance by reference in regards to new standards for the PUD.**

O-09-69

Alderman Jones motioned to suspend the rules to move this item forward for action. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to postpone this item until all rules are suspended. Alderwoman Mehl seconded the motion. The motion passed 6-0. Donald Anthony, Planning & Development Dept., explained it has been the desire of our department to streamline the PUD process and we felt like this section (401.9) is a good place to start. Some of the changes include not requiring a plat until the rezoning is approved as this would be done in conjunction with development review. The department would require at least one public hearing if not a series of public hearings, the change would also allow more flexibility in design and the project can be recalled and reviewed by the Planning Commission at any time. Some new changes, that have not existed previously, include the applicant bearing the cost of any infrastructure or road improvements and the requirement for a property owners association. 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": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, and Alderwoman Whitmore. The motion passed 5-0.

3. Ordinance to allow fairgrounds in the I-3 Industrial Zoning District as permitted use by right of zoning.

O-09-70

Alderwoman Mehl motioned to suspend the rules to move this item forward for action. Alderman Grimes seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to postpone this item until all rules are suspended. Alderwoman Mehl seconded the motion. The motion passed 6-0. Mayor Townsell stated this simply adds I-3 to another list of zones that fair grounds can be added by right or by condition. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. Alderman Vaught asked why this is being done. Mayor Townsell stated because of our fair grounds and the exterior wall requirements mandated by our design review ordinances. Alderman Vaught explained that the city passed an ordinance that requires most builders to build structures to look nice, but it appears that the city does not want our rules to apply to the city. Mayor Townsell stated he does not disagree with that because we are building an expensive concession stand/maintenance building at the girls softball complex and went onto explain that if someone put an industrial size agricultural barn in the city then it would be appropriate to be in an industrial zone and that is the comparison we are making. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, and Alderwoman Whitmore. The motion passed 5-1 with the Mayor voting with the majority. Alderman Vaught voted in opposition.

4. Ordinance to rezone property located at 1502 Boen Street from MF-3 to RU-1.

Alderswoman Whitmore motioned to suspend the rules to move this item forward for action. Alderswoman Mehl seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to postpone this item until all rules are suspended. Alderswoman Mehl seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Donald Caraway, representing AT & T, was present to answer questions. The motioned died due to a lack of a second. Mr. Caraway asked if he could request a continuance. Mayor Townsell stated yes and asked council to grant a continuance or a motion to hold in committee. Alderman Hawkins motioned to hold this item in committee. Alderman Jones seconded the motion. There was no discussion. The motion passed 5-0.

5. Consideration of a conditional use permit to allow a transmission tower/station on property located at 1502 Boen Street.

Alderman Jones motioned to hold this item in committee. Alderman Hawkins seconded the motion. Alderman Hawkins stated he does not understand the reluctance in erecting communication towers. There was no other discussion. The motion passed 5-0.

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

1. Consideration to enter into a contract with Conway Public School District in regards to the School Resource Officers.

A.J. Gary, Chief of Police, explained this is a continuation of the annual agreement for five school resource officers; four of these officers are partially funded by the school district. Alderman Hawkins motioned to enter into this contract agreement. Alderswoman Whitmore seconded the motion. Alderman Jones joined the meeting in progress. There was no discussion. The motion passed 6-0.

2. Ordinance accepting restitution for overtime performed by CPD personnel through May 2009.

O-09-71

Alderswoman Mehl motioned to suspend the rules to move this item forward for action. Alderman Hawkins seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to postpone this item until all rules are suspended. Alderswoman Mehl seconded the motion. The motion passed 6-0.

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A.J. Gary, Chief of Police, explained these funds are collected from companies that have hired our off duty police officers for security services; these officers were paid overtime and this \$128,777.00 will be used to replenish our overtime budget. Alderman Hawkins 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, Alderman Jones, Alderman Vaught, and Alderwoman Whitmore. The motion passed 5-0.

3. Ordinance appropriating animal welfare voluntary tax revenues for the vehicle lease payment of three AWU Ford Ranger pickup trucks.

O-09-72

Alderwoman Whitmore motioned to suspend the rules to move this item forward for action. Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to postpone this item until all rules are suspended. Alderwoman Mehl seconded the motion. The motion passed 6-0.

A.J. Gary, Chief of Police, explained this \$10,809.78 is the final payment on these vehicles. There was no discussion. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. Alderwoman Whitmore motioned to adopt the emergency clause and stated the emergency clause needs to be added to the title of the ordinance. Alderwoman Mehl seconded the motion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, and Alderwoman Whitmore. The motion passed 5-0.

4. Ordinance appropriating funds to the CPD for reimbursement purposes to be used additional training requests for the FY 2009.

O-09-73

Alderwoman Whitmore motioned to suspend the rules to move this item forward for action. Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to postpone this item until all rules are suspended. Alderwoman Mehl seconded the motion. The motion passed 6-0.

A.J. Gary, Chief of Police, explained this was computer forensics training that is in conjunction with our computer crimes investigations agreement we have with the Secret Service. Chief Gary explained we paid the \$2,388.50 upfront and the Secret Service has reimbursed us the full amount. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, and Alderwoman Whitmore. The motion passed 5-0.

C. Finance

- 1. Ordinance waiving bids & appropriating funds in conjunction with financial software and software maintenance.**

O-09-74

Alderman Mehl motioned to suspend the rules to move this item forward for action. Alderman Grimes seconded the motion. The motion passed 6-0. Alderman Hawkins motioned to postpone this item until all rules are suspended. Alderman Whitmore seconded the motion. The motion passed 6-0.

Robin Scott, CFO, explained we are requesting to waive bids, accept staff recommendation, and authorize purchase of the Springbrook software for a total cost not to exceed \$295,000.00. This cost will cover software, maintenance, and travel costs for the implementation/conversion. Alderman Vaught motioned to adopt the ordinance. Alderman Mehl seconded the motion. Ms. Scott requested an emergency clause be added to the ordinance. Alderman Whitmore motioned to add the emergency clause to the ordinance. Alderman Mehl seconded the motion. Alderman Hawkins asked when the last time the city purchased this type of software and what was the cost. Mayor Townsell stated in 1999 and the cost was approximately \$70,000. Alderman Vaught asked if we already owned the sequel server. Lloyd Hartzell, IT Director, stated no we will need to purchase a Sequel license and Enterprise for Windows which will cost approximately \$14,000.00. Alderman Hawkins asked if Ms. Scott is pleased with the software. Ms. Scott stated yes, she has not received any negative feedback from anyone who has visited with current users or sat in on a webinar. The software will add efficiency, accountability, better reporting, and will produce checks and pay vendors more quickly. Alderman Vaught stated he realizes the software is costly but he intends on voting for this. Alderman Vaught went onto say that he is impressed with the software and feels that Springbrook is a solid company with a good track record with committed representatives. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, and Alderman Whitmore. The motion passed 5-0. The clerk called the roll for the emergency clause with the following voting "Aye": Alderman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, and Alderman Whitmore. The motion passed 5-0.

7. Old Business

8. New Business

Consideration of request to allow the pumping of water from Lake Beaverfork for a lawn sprinkler system.

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Alderman Hawkins motioned to suspend the rules to add the Kirkland request to the agenda. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderwoman Mehl motioned to postpone this item until all rules are suspended. Alderwoman Whitmore seconded the motion. The motion passed 6-0.

Alderman Grimes exited the meeting and council proceeded with the agenda starting with item 6A-2.

Mayor Townsell stated that Phil and Diana Kirkland of 42 Southshore has made this request and explained that the cities ordinances do not address "drawing water from the lake". Mayor Townsell explained this could be approved under section 12.12.25 of the Lake Beaverfork ordinance which he read aloud to council. Mayor Townsell explained he wanted to bring this item on the agenda tonight so council could start considering the request but suggested, to the Kirkland's, to request to hold this item in committee since there are only five council members present tonight. Mayor Townsell went onto explain there could be a requirement for council to see how this would be done due to liability issues. The Kirkland's agreed. Alderwoman Whitmore motioned to hold this item in committee. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 5-1 with the Mayor voting with the majority. Alderman Vaught voted in opposition.

Adjournment

PASSED this 23rd day of June 2009

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett