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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
September 27, 2016

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, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. Also, present and acting: Mayor Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson.

**Call to Order: Mayor Tab Townsell**

**Roll Call: Michael O. Garrett**

**Minutes: September 13, 2016 City Council Meeting**

Alderwoman Smith motioned to approve the September 13, 2016 minutes as submitted. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

**Employee Service Awards**

**5 Years**

Jack Branscum - Street Department  
Meg Hawkins - Street Department  
Tyler Winningham - Finance Department

**10 Years**

Melba Mullins - District Court  
Lance Thrower - CEOC

**15 Years**

Larry Sanders - Fire Department  
Danny Collins - Fire Department

**20 Years**

James Burnside - Parks Department  
Chuck Townsend - Police Department  
Mike Welsh - Police Department  
William Tapley - Police Department

**Approval of the monthly financial report ending August 31, 2016**

Tyler Winningham, CFO, began with the General Fund stated we have receiving LOPFI insurance tax revenues and once all these funds come in it will be approximately \$1.2 million. Mr. Winningham stated sales tax has been erratic for the past 4 months and this month it was down by approximately 8% but is fortunately the beginning of the year was steady which leaves us flat year to date. Mr. Winningham stated the expenditures shows a net expense (-\$246,928.00) through August but this is because it was a 3 pay period month and we will rebound from that in a few months. Alderwoman Mehl asked in the non-

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departmental expense are typically front loaded. Mr. Winningham stated yes. Mr. Winningham moved onto the street fund and explained the severance tax continues to decline, state tax turnback is coming in a little over budget and expenditures are within budget; we are showing a net expense for the year of (-869,468.00) which is due to the money we paid the highway dept. for the Dave Ward Drive roundabout project. Mr. Winningham moved onto the Sanitation Fund and stated sanitation fees are coming in on target, recycling material have sold well this year and the other revenue items listed are on target as well and we will probably amend the budget for the miscellaneous revenue by years end, and the expenditures are within budget and we stand with a net revenue of \$1,646,985.00. Alderman Hawkins asked if we have any large purchases outstanding. Mr. Winningham stated yes, the Sanitation Dept. has several pieces of large equipment they are looking to purchase. Mayor Townsell stated once the Sanitation Dept. can spend money quickly due to the equipment they must purchase. Mr. Winningham moved onto the Airport Fund and stated the hangar renewals are set to renew this month and the October financials should that we will be back on target for the 2 hangar line items. Mr. Winningham stated as far as expenditures go we are just not spending much money anywhere except the General fund, but we are not over spending here, just hitting our targets. Mr. Winningham stated the Airport fund has a net revenue of \$169,481.00. Alderman Hawkins asked about fuel sales at the Airport. Mr. Winningham stated fuel sales have been down all year and down may not be the word because we knew when we opened the Airport we had no history of fuel sales to track, but it is a budget number that we are continuing to try determine. Josh Zylks, Airport Manager, stated the last few months say that fuel sales have been down, but like sales tax flat would be a good word and you need to keep in mind that even when we moved 2 years ago a large portion of jet fuel was somehow tied up in the energy industry and for budgeting purposes that industry has basically dried up. Mr. Zylks stated he is hopeful that at some point that will come back; we have had new customers who has picked up the slack regarding the jet fuel it is not going to be a fantastic year with a lot of growth but we are doing okay, margins are still good and from his experience when you see fuel come down it hits a hard bottom and then jumps back up, but prices have not done that so our margins have not been under a lot of pressure. Mr. Zylks stated since completing the other hangars 10 months ago and getting the additional aircraft on the field, there have been some months the Avgas sales have been up 30% - 40% over year months; the volume is not nearly as much so those percentages grow and shrink very quickly, but we have had several months where we averaged over 6,000 gallons sold, and the average at the old Airport was 3,5000 - 4,000 gallons a month, which was very good and he is encouraged with the trends they are seeing. Mr. Zylks stated Avgas is more volatile price wise and if it were to rapidly jump to \$5.50 - \$6.00 per gallon it is much more price sensitive and you will see the volume fall back off, but so far he has been pleased with what we have seen. Alderman Hawkins asked what the gallon price was today. Mr. Zylks stated it is \$3.75 for self-service and \$4.25 if you purchase it off the truck and if you wanted to go get it in Little Rock you would pay approximately \$1.70 per gallon more. Mr. Winningham stated the final page reflects the Major Project Funds and they are as follows:

- Parks and Rec A&P Tax - \$2,475,740.00
- Pay as you go Sales Tax - \$3,147.505
- Street Impact Fees - \$520,922.00
- Parks Impact Fees - \$324,214.00

Alderwoman Smith motioned to approve the August 2016 financials. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

Mayor Townsell asked council to suspend the rules to move Item 1-A7 up on the agenda and to add a resolution to the end of the meeting. Alderwoman Smith motioned to move item 1-A7 up on the agenda

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and to add an item to the end. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0.

**Ordinance to rezone property located at 4825 College Avenue from A-1 to PUD. (Item 1-A7)**

**O-16-106**

Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Chuck Clawson, City Attorney, stated if council wants to accept the Planning Commission's recommendation of approval for this PUD, he would recommend not including condition #5 (minimum allowed square footage of residences shall be 1,800 sq. ft.) as a condition as this could lead to issues with Fair Housing laws and stated we if mandate this, it takes it into another realm. Alderman Jones asked why the condition was put in the recommendation to council. Jason Lyons, Asst. Planning Director, stated the 1,800 sq. ft. minimum was added via a concern from a neighbor and they wanted the houses to be a certain size compared to the surrounding area, and stated Mr. Johnston can explain further but he had told the Planning Commission (PC) the minimum he would go was 1,500 and more than likely 2,000 sq. ft. plus was going to be the average size of the homes. City Attorney Chuck Clawson exited the meeting. Alderwoman Isby motioned to adopt the ordinance with the conditions, excluding #5. Alderwoman Smith seconded the motion. Lance Johnston, 344 Conway Blvd., stated conditions 1-4 came into the PC already in place after meetings with other city departments and the PC added condition #6, which requires a minimum green space which we already have an excess of the minimum required green space, and the PC added a 10 ft. green space at the back of all of the properties that back Westin Park. Mr. Johnston stated condition #5 was added because some neighbors were concerned about having a neighborhood built behind them because they have enjoyed 15 acres of wooded land, the entire time they have lived there. Mr. Johnston stated we are happy to have the green space condition in place, but he does not know of any other neighborhood in Conway that has a required 10 ft. green space at the back of their property, for the protection of the neighborhood behind them where a property owner cannot clear their lot if they want to. Mr. Johnston stated we hope, and fully expect the residents will want to keep this natural and not cut down the trees that are currently a natural barrier, nor do not want to have to mandate the green space for the people who purchase these lots and requests removing condition #6 as well. Mayor Townsell stated it is an amenity to the people who do not own the land as well as an amenity to people who could buy the homes built on the land, but you do not want to be tied with that inflexibility. Mr. Johnston stated yes, that is correct. Mayor Townsell stated the language is strange. Mr. Johnston stated we have substantial amount of green space and the purpose was as a buffer for trees. Alderman Pruitt stated if the existing neighbors wanted green space they should have it in their yards. Alderman Jones asked if this is what was agreed to at the PC meeting. Mr. Johnston stated this is what the PC added to approve the plan. Mayor Townsell stated it is not necessarily agreed but is what the PC proposed. Alderman Jones asked if he objected. Mr. Johnston stated he does not recall but he told the PC the same thing he has told council, but they chose to keep it in. Alderwoman Mehl stated in reading the condition 6 if it just says green space they can cut the trees down and just have yards, it does not say anything about trees. Mr. Lyons he discussed this with Bryan Patrick, Planning Director, and agreed that if something is going to be added it should be something to the effect of "to retain the native trees". Mr. Lyons explained this area has a 5 - 10 ft. concrete ditch that runs along the back edge of Westin Park property line that is lined with trees, a sewer line runs in the same zone, and there was an easement granted for the sewer line, and typically Conway Corporation sewer lines run between 20 - 25 ft., so the area has a lot of prohibitions in a utility easement already. Mr. Lyons stated if we were going to approve something like this "green space" is probably not the correct term, it would be more like tree removal or retaining the trees. Mayor Townsell stated that would be more operable to the purpose. Alderwoman Smith stated she would like to see the integrity of the trees

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maintained. Mayor Townsell stated it is rather odd that single family homes have to be protected from single family homes. Alderwoman Smith stated she understands that. Alderman Grimes stated he sees both sides of this and will probably be fine either way but if this is a PUD which is a planned development and if you want to leave some mature trees as a part of the deal it is one of the things we have tried to encourage green space within these developments. Alderwoman Smith stated she thinks any residents who buy the lots would want the tree there. Alderman Grimes stated the problem you will have is in 10 years no one will remember this conversation and someone will cut them down and there will be nothing we can do. Mr. Johnston stated if you do decide to keep condition #6 he asks that you would use language that will define the condition really well so the property owners association can communicate this information. Finley Vinson, City Engineer, stated there is an existing drainage ditch on this property there are existing drainage problems and encouraged council to not prevent the homeowners from maintaining that area; trees are fine but underbrush can be a problem. Steve Jones, 4810 Canal Place, stated he lives in the neighborhood behind this development and he is not opposed to this project and explained there are 3 lots that are inside what would be his property line, another immediately to the right, and another one that is 10 feet to the left and the suggestion that one does not want to look into others backyards is not true, it is you all of a sudden have one yard behind you that turns into 5 yards and it does not make sense, and when he brought it to the attention of the PC it was brainstormed. Mr. Jones stated the minimum square footage was brought up and he is not sure that this has been determined but Mr. Johnston stated someone wanted 1,500 sq. ft., but he would hope they could build bigger. Mr. Jones stated where he lives the lots are smaller one being .14 acres and one .15 acres; he is unsure what the minimum residential lot size is, but this is a PUD so it will be smaller and asked if putting 3 - 5 homes behind one yard is the right fit, or is it the right fit because that is the way it is going to be developed but why are the smaller homes placed right there. Mr. Johnston stated the PC did speculate as to what could happen if the project fails, because word is the development will be similar to Hendrix Village, which has been discussed for years, but stated we have also see them fail, and if it did, what would be left. Mr. Jones stated the city has an issue in the back area and the sewage easement has trees/weeds growing all up and down the ditch line, and he would never want to make someone keep that, and stated some of the root structures will eventually destroy some of the city's storm drains. Mr. Jones stated the whole landscaping buffer was not that big of a deal with the exception of it was discussed that the subdivision may not be fenced, which would be a visual impact. Mayor Townsell asked for clarification on the minimum requirements are for lot sizes so we can get a scale. Mr. Lyons stated the typical R-1 zoning is 7,500 sq. ft., in this case when you take those lots on that drive and average them out they are right at 7,400-7,500 sq. ft. and they are a little narrow, some being 53 ft. as opposed to a typical R-1 which requires a minimum of 60 ft. wide and 100 ft. deep; these are running 53-60 ft. wide x 120+ ft. deep, with the smallest lot being approximately 53 ft. x 125 ft. so that will take some designing if you are going to construct a larger house, but it is possible. Mr. Lyons stated we have been bringing about some smaller lots and if you consider what has been passed in other PUD's, these lots are twice the size and it is getting you closer to your traditional neighborhood, but due to the fact it is not your typical one-fifth of an acre that is where the PUD comes in verses just a rezoning to R-1. Alderwoman Smith asked if they are wanting to build craftsman style homes. Mr. Johnston stated the reasoning for the shape and size of the lots is because we are going for more of an old town feel and these are very typical of lots in old Conway; we will be the exclusive builder as well as the developer. Mr. Johnston explained they have talked building homes that will be historical in feel, but it will not look like Hendrix Village and compared the homes to one currently under construction on Conway Blvd which is 2,700 sq. ft. and sits on a 60 ft. x 150 ft. lot and stated we hope that that when we are done, the homes will look like they have been there 100+ years. Mr. Johnston stated there will be drive ways between every house so no house will be closer than 25 ft. from the house next to it, the garages and car ports will be in the rear and we will set all the driveways when the street is built and it will feel like a "new" historic street. Mr. Johnston stated however irrelevant he believes Mr. Jones home is for sale and he appreciates

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him wanting to keep his property value up, he is the only person from the neighborhood that has spoken against it and explained we are 1.5 plus years from developing this property and the odds are he will not even be living there and he would hate to place restrictions on for a particular person who has concerns who is not planning on being there, when none of the other neighbors have come forward to ask for any of those things. Alderwoman Smith stated she has also received an email from someone in the area who also has concerns. Mr. Johnston stated we held a public information meeting and 4 neighbors attended and none of those individuals came to the PC meeting and they were satisfied with the information they received. Alderman Grimes stated in looking at the map of the requested rezoning the upper portion (NW corner) of the property is not being rezoned and asked if it is being left A-1. Mr. Johnston stated I one parcel will be sold to Bill Mainord and one to Todd Townsell because these lots sit directly behind their homes; these parcels were really cut off from being green space and usable and by the city's advice, they were left out of the PUD, and they will be re-platted by Mr. Mainord and Mr. Townsell to become part of their existing lots. Judy Corcoran, 4820 Canal Place, stated she is neighbors to Mr. Jones and we plan on living there a long time and explained they enjoy the trees and birdwatching and asked that the city somehow preserves the mature trees. Alderwoman Smith motioned to amend the motion to strike the language in condition #6 and add "mature trees of a diameter of 8" or greater" to be left on the buffer in the 10 ft. area. Mr. Lyons stated suggested instead of saying a 10 ft. buffer us the language "within 10 ft. of the property line", your essentially talking about the same thing, and this would be easier to measure as a surveyor as they would put pins in the ground etc. Alderwoman Smith motioned to amend the original motion with Mr. Lyons language. Mayor Townsell stated we can just use the language that is there. Kim Jones, 4810 Canal Place, stated there is already a 20 ft. right of way easement and wants to clarify that the 10 ft. you are discussing is not already the 20 ft. that is on the plat. Mayor Townsell stated it would be included. Ms. Jones said it is the same. Mayor Townsell stated yes. Alderman Grimes asked what the recourse if someone cuts down their tree. Mayor Townsell stated he believes they are required to replant. Alderman Hawkins asked if the lots on both sides of this development the same widths. Mr. Johnston stated per the city's advice we chose to mix larger and smaller lots together to avoid what happens often in neighborhoods where you have all the small lots at the beginning of the neighborhood and the larger lots at the back and explained they are fine with whatever minimums you may want to set, as we were not planning on building anything smaller than 1,800 sq. ft. Mayor Townsell stated with Mr. Clawson's advice, he does not feel it needs to be in there. Mayor Townsell stated the amendment will read "required to keep mature trees over 8" in diameter from the rear of the lot line", and the main motion removes condition #5. Mayor Townsell asked if anyone had objections to the amendment made by Alderwoman Smith. There was no objections. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0. The conditions are as follows:

- 1) PUD shall be generally developed as shown on site plan. Variations from the submitted plan shall be allowed for technical reasons. However, the density and intent of the site plan shall be followed.
- 2) Platting shall be required. Any additional right of way, sidewalks, etc. as required by the Subdivision Ordinance shall be dedicated and constructed. Any additional right of way per the Master Plan along College Avenue and Wescon Lane shall be dedicated as part of the platting process.
- 3) Setbacks, parking areas, and private drive easements, public rights of way, etc. shall be defined in the final development plan, plat, and PUD documents as necessary.
- 4) Storm water drainage ditch and/or structure shall be constructed to the City Engineer's specifications in the southwest corner of the property connecting the existing drainage system.
- 5) Required to keep mature trees over 8" in diameter from the rear of the lot line.

### 1. Report of Standing Committees:

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**A. Community Development Committee (Airport, Planning & Development, Street & Engineering, Permits & Inspections, Code Enforcement, & Community Development)**

**1. Consideration to approve the removal of vehicles from inventory for the Airport Department.**

Josh Zylks, Airport Manager, stated these vehicles are in need of serious reconditioning and both vehicles were acquired via the buyout, when we moved from the old Airport to the new Airport. Mr. Zylks stated we have been able to replace both of these vehicles with newer and more serviceable vehicles and request approval to remove the items from inventory and dispose of them via GovDeals.com Online Government Surplus Auctions. Alderman Hawkins motioned to approve removing these 2 vehicles from inventory. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0. The vehicles to be sold via auction are listed below.

- 1998 Ford Taurus VIN# 1FAFP52U9WG125541
- 2005 Ford Taurus VIN# 1FAFP53235A119863

**2. Ordinance appropriating funds for the purchase of additional aircraft radios and replacing a license plate camera for the Airport Department.**

**O-16-107**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Josh Zylks, Airport Manager, stated we would like to purchase 2 additional VHF Airband Radios that are used to talk to aircraft; one will be placed in an Airport vehicle, and the other will be put into the city's new radio system. Mr. Zylks stated this was brought to his attention by the Information Technology Dept. and this will allow us to talk to first responders etc. Mr. Zylks stated one radio costs \$800.00, which is less than radios that can be found in fire trucks. Mr. Zylks stated the license plate camera is needed because the one initially installed with the security system, has become inoperable and is not repairable. The ordinance will allocate \$3,100.00 for these purchases. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**3. Consideration to approve the neighborhood traffic management program (traffic calming) for the Street & Engineering Department.**

Finely Vinson, City Engineer, stated this is an opportunity for council to see the proposed changes and stated Jack Bell, Chief of Staff, approached him about this program and we agreed that the existing program is overly complex and we wanted to streamline this process. Mr. Vinson stated his department will take over the management of the program, which is currently handled by the Mayor's office. Mr. Vinson stated in addition the equation that is used to determine whether or not a street meets the warrant is relatively complex, and he wants to simplify the process so it will be easier for a layperson to understand. Mr. Vinson stated the document is written is there is one set of warrants that

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determines whether or not a street is even eligible for traffic calming, and if it is then there is another set of warrants that sets priority for how the city is going to pay for it, assuming we do not have funds to pay for everything and this is not how we now do this. Mr. Vinson went onto say we use the first set of warrants to determine whether or not we are going to pay for it and he wants to re-write the document in such a way that it is written in the way that we intend to implement it. Mr. Vinson stated he will change the first set of warrants to say if a street meets that first set of warrants, then the city will pay for it. Mr. Vinson stated if a street meets the second set of warrants, which is less limiting, then the neighborhood is eligible to pay for it, and the last section will be eliminated. Mr. Vinson stated he will bring council a fresh copy of this document for approval in approximately a month. Mayor Townsell state the subdivision ordinance requirements is a different document. Mr. Vinson stated yes that is correct, any changes to the subdivision ordinance will be separate and come at a later date. There was no further discussion.

Alderman Ledbetter exited the meeting.

**4. Ordinance appropriating funds for the Spencer Street Brownfield Cleanup project.**

**O-16-108**

Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Isby motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no further discussion. The ordinance will appropriate \$5,073.22 received from US Environmental Protection Agency. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 7-0. Alderman Ledbetter was not present for the vote.

Alderman Ledbetter re-entered the meeting.

**5. Ordinance to rezone property located at 3600 Donnell Ridge Road from I-1 to R-1.**

**O-16-109**

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

**6. Ordinance to rezone property located at 1330 South Donaghey Avenue from A-1 to O-2.**

**O-16-110**

Alderwoman Isby motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Isby motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderwoman Smith asked what will

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be built at this location. Alderwoman Isby stated Life Choices Inc. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**7. Ordinance to rezone property located at 4825 College Avenue from A-1 to PUD.**

Item moved up on the agenda.

**8. Consideration to establish the review date for the conditional use permit granted by Phoenix Recovery.**

Mayor Townsell stated this topic is not open for discussion tonight and stated you will see on Conditional Use Permit # 1348 item number 3 was valid for a period of 1 year from the date the applicant appeared before council in November 2015 and the at this time, the treatment facility had not opened yet. Mayor Townsell stated we wanted to work on this and clean it up to be placed on the agenda for January 2016, but we then decided to pull it but now the treatment services facility is open and operating. Matt Bell, 1225 Jersey, stated the conditional use was originally dated November 25, 2014, the construction permit was not issued until November 6, 2015 and the building was completed and the Certificate of Occupancy (COO) was obtained on May 20, 2016. Mr. Bell stated we received the Arkansas Department of Health kitchen approval on August 1, 2016, and the Arkansas Department of Human Services Drug Abuse and Addiction Treatment license on August 31, 2016. Mr. Bell stated we are currently going through a certification with the Commission of Credited Rehabilitation Facilities (CARF), which is the gold standard for rehabilitation facilities; we started this process in January 2016 and we are expected to receive it in January 2017 and stated we have an on-site inspection scheduled for November 14-16, 2016; CARF is important in regards to insurance companies and funding for treatment and this is typically required to have a CARF Certification, or the Joint Commission Certification and stated CARF is a very recognized standard. Mayor Townsell stated so operationally you are not even fully operational. Mr. Bell stated we are actually doing pro-bono treatment work for 20 clients, and part of the CARF review process is that we have files in place and we are doing outpatient services, for individuals who are in treatment. Mayor Townsell stated the program will be fully operational in January 2017. Mr. Bell stated yes, and we currently receive 20-25 calls a week, from clients within Conway and Faulkner County, who are seeking treatment and without insurance the funding for individuals is usually not feasible, as it is a costly service. Mr. Bell stated as we get this license and achieve our CARF funding, we will see drastic change in our clientele mix and stated it will be a lot of local individuals with outpatient and possibly residential clientele. Mayor Townsell stated the Conditional Use Permit is not the transitional housing element, explaining these are two separate issues legally in terms of what has come before us; in good faith to the treatment services facility, that one year period depending on the construction costs and certifications, we have not given Mr. Bell/Phoenix Recovery the opportunity to operate in that environment. Mayor Townsell stated the point of establishing a one year point was to bring them back to see if their operations were problematic. Mayor Townsell stated since we cannot do that at this time we need to set a future date to review the operations of the Conditional Use Permit, and reiterated this is just for the treatment services component; full operations will begin in January 2017 and there is a "test run" going now. Mr. Bell stated yes, we are actually licensed by the Department of Human Services (DHS) now, however the CARF certification



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is a third party certification, on our practices and how we perform and we expect the CARF certification in January, which will allow us to take clients that have insurance, and who can afford the treatment. Alderman Jones asked if we need to check on what they have been doing all along. Mayor Townsell stated we could, but they have not offered the full treatment services facility, that we agreed to allow him to open. Alderman Jones stated if it changes again, will we have to redo it. Mayor Townsell stated no, he has just been preparing to open a larger, full scale operation in January and we would not be doing our review a good service, by reviewing it right now. Alderwoman Smith stated it was supposed to be reviewed 6 months ago. Mayor Townsell stated there would have been nothing to review and no basis to decline it. Alderwoman Smith stated but what he was operating before should have been reviewed. Mayor Townsell stated that was the transitional housing, this is the treatment services which is two separate issues. Alderwoman Smith asked how long has the treatment service been operating. Mr. Bell stated our license from DHS Behavioral Health was issued August 31, 2016 and the COO was issued May 20, 2016; we have offices for our staff which is separate from the treatment function so this is clinical treatment function to utilize counselors and to provide treatment services. Mayor Townsell stated the operation we allowed by the Conditional Use really has not gotten started until August 31, 2016 and will not be fully operational until January 2016. Alderwoman Smith stated weren't we suppose to already review the in-home treatment. Mayor Townsell stated that is a constant element of review, but this is not that and there is no more official review at the city council level, unless we bring it back up or if something is brought to our attention. Alderman Jones asked who is reviewing this. Mayor Townsell stated we as a staff are doing a constant monitoring of that; the Police Dept., Planning Dept., City Attorney's, and the Mayor's office. Mayor Townsell stated we have met a number of times on this issue. Alderman Jones asked if we will get to hear about those discussions. Mayor Townsell stated we have been working with Mr. Bell on a number of things and it is not before council and there is nothing where a review is required and he has gotten everything officially from city council. Alderwoman Smith stated we were having issues with the in-home treatment that we were going to come back and review but we were going to give him time to get this in place before we did that. Mayor Townsell stated he does not recall if we required a second review period and asked Mr. Bell is he recalls. Mr. Bell stated there was a 6 month follow up, which is this date that we were coming back for this review. Mayor Townsell stated on the transitional housing. Mr. Bell stated the review was for the treatment services and stated there is nothing left on the transitional housing, it pertains only to the additional Conditional Use Permit which was 6 month follow up which was November 25, 2014. Mayor Townsell stated he is sure that when we finished up the transitional housing review that was over. Alderwoman Smith stated she thinks that was not the case. Mayor Townsell stated on this treatment facility Conditional Use Permit, yes there was a follow up review due in November 2015, but we did not get to do that and stated we can double check this. Alderwoman Isby stated she remembers the discussion of them being two separate issues but she distinctly remember that when the transitional housing came into being that there was to be another review. Mayor Townsell stated we had that review, and it passed. Mr. Bell stated he came back before council to discuss the 9 conditions that were placed on the original re-zoning. Mayor Townsell stated the second meeting did take place on the transitional housing. Alderwoman Smith stated she is referring to them following the guidelines of what laid out. Alderman Grimes stated he has met with Mr. Bell and the Mayor several times and what we have here are two separate items, which we combined. The first issue which involved the T4 rezoning, which had 9 items and he did come back and talk about those and everything was satisfactory. Mr.

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Grimes stated outside of that we may have some issues as Alderwoman Smith described with individuals coming into the facility and these are the things the Mayor and the Police Chief have been discussing with Mr. Bell, and suggested Alderwoman Smith talk to the Mayor more about this. Alderwoman Smith stated we were supposed to be involved in that conversation. Alderman Grimes stated there is nothing left to be brought before council at this point about the first issue. Alderwoman Smith asked if we cannot pull his permit if they are not abiding by the guidelines. Alderman Grimes stated no permit. Mayor Townsell stated you as a council could not do that, we can still pursue legal means if there is a problem in that regard, but you as a council have signed off on it and we have to make them comply with those rules and explained, we have been monitoring the transitional housing. Alderman Grimes recommended we ask Mr. Bell to come back in April 2017 to review the treatment services after they have 3 months of experience as a fully operational facility. Alderwoman Mehl seconded the motion. Mayor Townsell asked which meeting in April. Alderman Grimes stated the first meeting. The first city council meeting will be April 11, 2017. Mayor Townsell stated we are setting a period of time where we can come back and review the use allowed in this Conditional Use Permit for the treatment services component only. Alderman Grimes stated he appreciates your willingness to try to help individuals from this community who have addiction problems; this is something that is needed and he hopes this will work out to our satisfaction and help individuals in our community. Alderwoman Smith asked if the calls he is receiving are from individuals in Faulkner County. Mr. Bell stated approximately 95% of the calls are from people who already live here. Alderman Jones asked if any of the calls are from the courts or individuals wanting to check themselves in. Mr. Bell stated a mixture. Alderman Jones asked if the court is mandating individuals to come to commit themselves. Mr. Bell stated no, they are mandating individuals as a part of their plan to seek help; the court will tell them they need to seek help and they will go down a list of providers and these services are plentiful in Pulaski county and other areas of the state. There was no further discussion. Alderwoman Smith stated at the review she would like to see how many individuals being treated are from Faulkner County, and how many individuals are from other areas. Mr. Bell stated he would be glad to share that information in April. There was no further discussion. The motion passed 8-0.

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

**1. Ordinance approve funds for the Conway Event Center for the Parks & Recreation Department.**

**O-16-111**

Mayor Townsell stated this ordinance will allocate \$2,748,127.00 for the Event Center whether it is paid for out of this fund, paid for by cash, or 5 year financing which will be determined next week. Alderwoman Mehl motioned to waive the readings of the ordinance. Alderman Ledbetter seconded the motion. The motion passed 8-0. Alderman Hawkins asked if this would be awarded tonight. Mayor Townsell stated he misspoke and explained we have already chosen Salter Construction and they will be bidding the sub work and we could see savings on this, but this is a guaranteed maximum price. Alderman Hawkins stated this price does not include the funding coming from A&P, which is \$1.5 million. Mayor Townsell stated that is correct. Mayor Townsell stated we will recognize that on the revenue side and we are approving this expense at this level, because we will

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expend this much money. Alderwoman Mehl motioned to adopt the ordinance. Alderman Ledbetter seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**2. Consideration to ask Metroplan to switch funding for the Springfield DesArc Bridge grant to the Dave Ward Drive Pedestrian Bridge project.**

Mayor Townsell explained we have discovered in trying to meet all the federal regulations to move this historic bridge from Cadron Creek, to our city park we are going to miss the opportunity to move it during our dry season. Mayor Townsell stated there are good reasons to go through the federal processes one being due to the Federal Build America Program wants to ensure that any new project uses American made steel and you have to prove you will actually be using American made steel and for a bridge that was built in 1874 we can presume that, but we cannot prove that so therefore you have to ask for a waiver which would be a 6 month process. Mayor Townsell stated we are asking council to allow us to switch monies; we are going to be over-matching the Dave Ward Drive Pedestrian Bridge project and we estimate this project will cost \$2.3 million which includes \$386,000.00 for engineering, which was approved at the last council meeting. Mayor Townsell stated to off-set that we received a \$400,000.00 federal grant from the Arkansas Highway & Transportation Dept. (AHTD), \$150,000.00 from Metroplan, and the University of Central Arkansas (UCA) is going to contribute \$300,000.00. Mayor Townsell stated we also just received notification that we will receive \$221,000.00 from a second state grant which when you total that up, it is still well over \$1 million contribution to the cost of the Dave Ward Pedestrian Bridge project. Mayor Townsell stated what we are going to do is swap dollar for dollar the money we are going to over match into the Dave Ward Drive project, with the Faulkner County grant monies of \$240,000.00; we will swap those monies with tomorrows approval by Metroplan so that their Federal money goes with our Federal money for the Dave Ward Drive project, which we can prove where that steel comes from. Mayor Townsell stated then we will take our free and clear money at the equivalent dollar for dollar amount and put it in the historic bridge project and we are immediately freed to proceed with that on Thursday. Mayor Townsell asked council to approve this and this will increase the outflow of A&P money and we will get more grant money, which will decrease the outflow for A&P monies for the Dave Ward Drive project. Alderman Grimes motioned to switch our funding for the Dave Ward Drive project to the historic bridge project, in return for the county grant funding coming to the city. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**C. Public Safety Committee (Police, Animal Welfare, CEOC, Fire Dept., Information Technology, and City Attorney)**

**1. Ordinance appropriating funds for the purchase of fire safety promotional products for the Conway Fire Department.**

**O-16-112**

Fire Chief Mike Winter explained we have received \$5,000.00 from Centennial Bank to purchase these promotional products. Alderwoman Smith motioned to waive the readings

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of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Isby seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**2. Consideration to approve the removal of vehicles from inventory and dispose of them for the Conway Police Department.**

Major Larry Hearn, Police Dept., explained we had made arrangements for the Arkansas State Police (ASP) to take these but their supervisors at ASP have told us they do not want them and we are requesting approval to remove from inventory and dispose of them as scrap metal. Alderman Hawkins motioned to approve removing these vehicles from inventory and selling them for scrap metal. Alderwoman Isby seconded the motion. There was no discussion. The motion passed 8-0. The automobiles to be sold for scrap are:

- Unit 784 Crown Victoria - VIN: 08914
- Unit 1138 Crown Victoria - VIN: 59130
- Unit 1142 Crown Victoria - VIN: 59133
- Unit 1219 Crown Victoria - VIN 62807

**3. Ordinance appropriating reimbursement funds for Rescue Wagon for the Conway Animal Welfare Unit.**

**O-16-113**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Isby seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Isby seconded the motion. Mayor Townsell stated this ordinance will accept reimbursement funds in the amount of \$352.80 from Pet Smart. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0.

**4. Ordinance appropriating reimbursement funds from various entities for the Conway Police Department.**

**O-16-114**

Alderwoman Isby motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. Alderwoman Isby 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 Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Isby. The motion passed 8-0. The reimbursements are as follows:

- |              |                     |                  |
|--------------|---------------------|------------------|
| • \$ 832.47  | US Marshall Service | OT Reimbursement |
| • \$7,149.22 | Various Entities    | Extra Duty       |

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- \$ 16.54 District Court Restitution
- \$9,140.00 20<sup>th</sup> Judicial Dist. Reimbursements
- \$9,149.96 Public Processing Auction Proceeds

**Resolution designating the Tucker Creek to Hendrix College bike route as Reddin's Route.**

**R-16-40**

Mayor Townsell asked council to pass this on the recommendation of the Conway Bicycle & Pedestrian Advisory Board (BPAB); Mayor Townsell read the resolution aloud. Alderwoman Mehl motioned to adopt the resolution. Alderwoman Smith seconded the motion. Amanda Porter-Cole, thanked council for considering this as Greg Reddin has been such a tremendous asset to the board. Mayor Townsell presented a Reddin's Route sign to Ms. Cole to be presented to the Reddin family. There was no discussion. The motion passed 8-0.

**Adjournment**

**PASSED this 27<sup>th</sup> day of September 2016**

**APPROVED:**

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*Mayor Tab Townsell*

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*City Clerk Michael O. Garrett*