
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
March 28th, 2006

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum were present and acting; Alderman Hawkins, Alderman Bell, Alderman Jones, Alderwoman Smith, Alderman Brewer, Alderman Grimes, Alderwoman Whitmore and Alderman Weeks. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett. Alderwoman Whitmore motioned to approve the March 16th minutes. Alderwoman Smith seconded the motion. Mike Garrett, City Clerk, stated the “*day*” should be changed from Tuesday to Thursday on page one (1) of the March 16th minutes. There was no further discussion. The motion passed unanimously 8-0.

1. Report of Standing Committees:

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

1. Ordinance to (MEMS Ambulance Ordinance)

O-06-33

Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. City Attorney Michael Murphy stated that in “*Section One; Definitions; Special use permit*” “**section 5-79**” should read “**section 21**”. Fire Chief Bart Castleberry stated that in “*Section 13 First responder program*” stated that the Fire Dept. will continue to train their own personnel but that MEMS Training would be available to the Fire Dept. if needed and that the following sentence shall be removed. “*In the event the fire department dispatch personnel find that five (5) or more pieces of fire apparatus are engaged in emergency conditions, an automatic cessation of use of the fire departments first responder program shall occur*”. Chief Castleberry stated that the Fire Dept. will still be called as usual and the officer in charge will make the decision as to if the Fire Dept. will be able to respond. Alderwoman Smith motioned to adopt the ordinance and the emergency clause as amended. Alderman Brewer seconded the motion. There was no further discussion. The clerk called the roll with the following voting “Aye”: Alderman Bell, Alderwoman Smith, Alderman Brewer, Alderwoman Whitmore; Alderman Hawkins; Alderman Jones; Alderman Weeks, and Alderman Grimes. The motion passed 8-0.

2. Consideration from Quality of Life Council for a proposed Holiday Light Festival to be held at the City of Conway Sanitation Dept.

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Jim Rhodes was present to answer questions. Mr. Rhodes stated his proposal would include a drive through light display and festival with vendors that could be set up from 30 – 45 days. Mayor Townsell and the council gave Mr. Rhodes an endorsement and asked him to come back with more specific plans.

3. Consideration of a conditional use permit for First Assembly of God to allow church & religious activities for the property located on the east side of the diagonal section of street that connects Seventh Ave and Eight Ave.

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

4. Consideration of a conditional use permit to allow MF-2 density in an MF-1 zone for property located at 406 Sixth Street.

Alderman Hawkins motioned to grant the conditional use permit. Alderwoman Smith seconded the motion. Alderman Jones motioned to suspend the rules to move item 6A-7 up in the agenda. Alderwoman Smith seconded the motion. The motion passed 8-0.

O-06-34

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting “Aye”: Alderman Bell, Alderwoman Smith, Alderman Brewer, Alderwoman Whitmore; Alderman Hawkins; Alderman Jones; Alderman Weeks, and Alderman Grimes. The motion passed 8-0. Alderman Grimes motioned to adopt the conditional use permit (item 6A-4) with the conditions. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0. Conditions listed below for 6A-4.

1. Lighting is required to be inward, downward, and shrouded with no more than one foot candle per square foot at the lot line.
 2. Signage is limited to monument style sign only with no external hanging banners on the fencing or buildings.
 3. No external sound system is allowed.
 4. Additional fencing is required in those areas to the west and the offset to the southeast where there currently is none and it is required to be esthetically appropriate and to tie in to already existing fencing.
5. Ordinance to increase allowable lot coverage’s in R-1 single family residential zones.

O-06-35

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Bryan Patrick, Planning Director, was present to answer questions. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Grimes seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll to adopt the ordinance with the following voting "Aye": Alderman Bell, Alderwoman Smith, Alderman Brewer, Alderwoman Whitmore; Alderman Hawkins; Alderman Jones; Alderman Weeks, and Alderman Grimes. The motion passed 8-0. The clerk called the roll to adopt the emergency clause with the following voting "Aye": Alderman Bell, Alderwoman Smith, Alderman Brewer, Alderwoman Whitmore; Alderman Hawkins; Alderman Jones, and Alderman Grimes. Alderman Weeks voted in opposition. The motion passed 7-1.

6. Ordinance to rezone property located south of South of Favre Lane about 400 feet from the intersection of South Donaghey and Favre Lane from R-1 to MF-2.

O-06-36

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

7. Ordinance to rezone property located at 6th Street on the North side of the street approximately 300 feet east of Ingram Street from R2A to MF-1.

This item was moved up in the agenda.

8. Resolution amending the Conway Comprehensive Plan to relocated a pedestrian pathway in the vicinity of South Salem Road/Hogan Lane to follow an east-west route immediately north of the proposed western extension of Favre Lane.

R-06-05

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

9. Consideration of an ordinance amending the Conway zoning ordinance to define gas and oil wells, gas compressor or regulators station, gas and oil field equipment and supplies, sales, service, rental and repair.

Bryan Patrick, Planning Director, was present to answer questions. Mr. Patrick stated that the zoning ordinance that is in place now does not cover gas wells sufficiently

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and that this ordinance clarifies gas/oil well supplies, sales, equipment and creates a definition for gas/oil wells. Mayor Townsell suggested that this item be held in committee until more information can be gathered and examined. Alderwoman Smith motioned to hold this item in committee. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

10. Consideration of ordinance concerning gas drilling and production.

Mayor Townsell suggested adding to the ordinance *“to allow mining or drilling”* in *“Section 2 13-1501” Definitions; Exploration*”. The Mayor stated that the territorial jurisdiction for land use does not extend beyond the city limits and that anything we put in as an ordinance governing gas well exploration, drilling, or production would only cover the city limits, however as a city of over 50,000 people the city of Conway has the right to extend its land use territorial jurisdiction up to 2 miles beyond the city limits. Bryan Patrick, Planning Director, was present to answer questions. Alderwoman Smith motioned to hold this item in committee. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 8-0.

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

1. Consideration to accept bids from Con Space Communication for fire department supplies (rescue kit, signal cable, etc.) in the amount of \$10,923.00

Bart Castleberry, Fire Chief, was present to answer questions and recommended we accept the bid. Alderman Hawkins motioned to accept the bid. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

2. Discussion of the 2006 Assistant to Firefighter Grant Program.

Bart Castleberry, Fire Chief, was present and stated that this is a grant that has been applied for, but has not yet been awarded. The money would be used to purchase a system that removes diesel exhaust fumes from fire stations when apparatuses are started and that these systems, will in the near future, be mandated in fire service. Chief Castleberry also stated that if this is approved that the paperwork would go in tomorrow so the city's match would be the 10%. Alderman Brewer motioned to move forward with this item. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

3. Consideration to entered into a contract with Tele-Interpreters, Inc. for interpreter services on an as needed basis.

Lloyd Hartzell, IT Director, was present to answer questions. Alderman Bell motioned to approve entering into this contract. Alderman Hawkins seconded the motion. Michael Murphy, City Attorney, asked Mr. Hartzell if he would ask the vendor to change the wording in item 16 of the agreement to *“Arkansas”*. Mr.

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Hartzell stated that he believes there is a clause that states the agreement can be modified. Mr. Hartzell stated he would ask this of the vendor. There was no further discussion. The motion passed 8-0.

2. Old Business

3. New Business

A. Consideration of methodology for naming Civil Service Commissioners.

Mayor Townsell stated that the City Council members will be the ones to name the commissioners to this board. Nominations have been requested and the deadline for submission is Friday, April, 14, 2006 by 4:30 pm. The completed nomination forms will be available to the City Council members to look over. The Mayor went onto say that it was discussed at the last city council meeting to have each ward get together to come up with a name to supply for the ordinance naming the commissioners and then allowing the Mayors office to name one commissioner. These have to be put into an ordinance and the ordinance has to be passed naming the commissioners to comply with state law. Alderman Jones stated that the nominees did not have to be from their ward. Alderwoman Smith motioned to proceed with each ward picking one (1) person not representing that ward. Alderman Jones seconded the motion. There was no further discussion. The motion passed 8-0.

B. Consideration of an Agreement of Understanding with the Faulkner County Boys & Girls Club for the donation of a fifty foot right-of-way on the eastern edge of their property on Deer Street.

Alderman Bell motioned to enter into this agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

C. Ordinance declaring a moratorium on building permits in residential zoned properties of certain sections of Old Conway (Areas to be submitted Monday).

0-06-37

Alderman Hawkins asked if there was a time limit. Mayor Townsell stated that Michael Murphy, City Attorney, would like there to be a time limit of no more than one (1) year. Alderman Brewer asked how much time is necessary. Alderman Brewer stated he would like to see ninety (90) days. Steve Hurd was present and felt that 90 days would more than likely be sufficient but if more time was needed it could be requested. Alderman Brewer motioned to authorize a task force and charge them with coming back to the City Council with something of material value in ninety (90) days and then we can grant an extension, but to encourage them to come up with something in ninety (90) days. Alderman Hawkins seconded the motion. Alderman Brewer stated that this is an amendment to the ordinance. The ninety (90) days will

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start April 17, 2006 at the time of the next planning commission meeting. Alderman Brewer motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Brewer stated he would like to add an emergency clause to the ordinance. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Bell, Alderwoman Smith, Alderman Brewer, Alderwoman Whitmore; Alderman Hawkins; Alderman Jones; Alderman Weeks, and Alderman Grimes. The motion passed 8-0.

- D. Resolution declaring an excavation near the intersection of Highway 64 and Highway 25 to be for the purposes of development and not for the purposes of mining.

R-06-06

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

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 28th day of March 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett