

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Conway, Arkansas  
Tuesday 6:30 p.m.  
May 23, 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 Jones, Alderwoman Smith, Alderman Brewer, Alderman Weeks, Alderwoman Whitmore, and Alderman Bell. Alderman Grimes was absent. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett. Alderwoman Smith motioned to approve the May 9<sup>th</sup> and May 15<sup>th</sup> minutes. Alderwoman Whitmore seconded the motion. The motion passed unanimously 7-0.

1. *Invocation, Pledge, Call to Order*
2. *Roll Call*
3. *Minutes: May 9, 2006 & May 15<sup>th</sup> 2006 - Approved*
4. *Recognition of Guests – City employees recognized:*

**5 years of service:** Elgin Thomas - Street Dept., Officer Michael Bradford, School Resource Officer, Angel Burnett, and Officer Casey Dunn  
**25 years of service:** Dickey Fortner, Fire Dept.

5. *Public Hearings:*

A. **Public hearing to discuss closing Bowie Street as requested by Longing Brothers.**

1. Ordinance to close Bowie Street between West & Stout Street.

**O-06-56**

The Mayor opened the public hearing. Bobby French, Central Arkansas Professional Surveying, spoke in favor of the closing. The Mayor closed the public hearing. The Mayor stated that Conway Corp. asked that a 15 ft utility easement be platted in this section. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance with the two (2) easement requests. Alderman Jones seconded the motion. Ronnie Hall, City Engineer, stated that a 50 ft drainage easement is needed on the east side of this section. 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; and Alderman Weeks. The motion passed 7-0.

B. **Public hearing to discuss closing Fleming Street as requested by Roden Berry.**

1. Ordinance to close Fleming Street (between Stout & West Street).

**O-06-57**

The Mayor opened the public hearing. There was some discussion as to the pros and cons of closing this section of Fleming St. Alderman Hawkins motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderman Hawkins motioned to adopt the ordinance with the easements being left in tact. Alderman Bell 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 and Alderman Jones. The motion passed 6-1. Alderman Weeks voted in opposition.

**6. Report of Standing Committees:**

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

- 1. Ordinance accepting donations if offered and appropriating funds for infrastructure improvements in the Guy Murphy Industrial Park.**

**O-06-58**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Bell, Alderwoman Smith, Alderman Brewer, Alderwoman Whitmore; Alderman Hawkins; Alderman Jones; and Alderman Weeks. The motion passed 7-0.

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

- 1. Resolution to set a public hearing to discuss the closing of a utility easement at property known as Lot 1 Lachowsky, 1110 Halter Road & 810 Amity Road.**

**R-06-14**

Alderwoman Smith motioned to set the public hearing for June 13, 2006 at 6:30 P.M. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

- 2. Ordinance declaring a thirty date moratorium on the placement and/or permitting of any sign not in compliance with the proposed overlay district sign standards.**

**O-06-59**

Aldерwoman Smith motioned to waive the readings of the ordinance. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. Aldерman Hawkins motioned to adopt the ordinance. Aldерman Weeks seconded the motion. Aldерman Brewer spoke against this ordinance. There was no further discussion. The clerk called the roll with the following voting "Aye": Aldерman Weeks and Aldерman Hawkins. The motion failed 2-5. Aldерman Bell, Aldерwoman Smith, Aldерman Brewer, Aldерwoman Whitmore, and Aldерman Jones voted in opposition.

- 3. Ordinance to rezone property located on the west side of Faulkner Street at the northwest corner of in the intersection of Robinson Avenue and Faulkner Street to R-2A to O-2.**

**O-06-60**

Velton Daves, Planning Commission, spoke against the rezoning. Mr. Prince, Owner, stated that the structure is not suitable for a residence and he is planning on making it into an office building. He plans to tastefully upgrade the property as required. He went on to say that the areas around this property are commercial. Aldерwoman Smith motioned to waive the readings of the ordinance. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. Aldерman Jones motioned to adopt the ordinance. Aldерwoman Whitmore seconded the motion. Vivian Hogue addressed the council and spoke in opposition of the rezoning as she does not want to see any more office buildings in the area due to there being residential structures to the South and West. There was no further discussion. The clerk called the roll with the following voting "Aye": Aldерman Bell, Aldерwoman Smith, Aldерman Brewer, Aldерwoman Whitmore; Aldерman Hawkins; Aldерman Jones; and Aldерman Weeks. The motion passed 7-0.

- 4. Ordinance to rezone property located at 1715 East Oak Street approximately 200 feet west of Milam Drive from R-1 to C-3.**

**O-06-61**

Aldерman Brewer motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 7-0. Aldерman Hawkins motioned to adopt the ordinance. Aldерman Weeks seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерman Bell, Aldерwoman Smith, Aldерman Brewer, Aldерwoman Whitmore; Aldерman Hawkins; Aldерman Jones; and Aldерman Weeks. The motion passed 7-0.

5. **Ordinance to rezone property located at 1306 South Donaghey Avenue from R-1 to A-1.**

**O-06-62**

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Bell 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; and Alderman Weeks. The motion passed 7-0.

6. **Consideration of a conditional use permit for an assist living level II facility (convalescent home) for the property located at 1306 South Donaghey Avenue.**

Alderman Hawkins motioned to approve the conditional use permit with the following conditions.

- Lighting is required to be inward, downward, and shrouded with no more than one foot candle per square foot at the property lines.
- Signage is required to be a monument sign complying with A-1 zoning.
- No external sound system allowed.
- No building allowed in the flood plain.

Alderman Bell seconded the motion. Velton Daves, Planning Commissioner, stated he would like to add two (2) conditions they are as follows:

- Any trees that will have to be removed (outside the building pad) will have to be approved by Planning Director Bryan Patrick.
- Include an easement for a bike trail along the creek.

Alderman Hawkins motioned to accept the six (6) conditions. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

7. **Consideration of a conditional use permit for Trailer Sales for Lots 1, 2, & 3 of the J.R. Properties Addition located at 325 J.R. Drive.**

Alderman Hawkins motioned to add a fourth (4<sup>th</sup>) requirement to the conditional use permit to only allow 20 trailers at this site. Mr. Snow, Interstate Trailers, stated that he could not do business with a limitation of 20 trailers. Mark Carter, Attorney, spoke against the conditional use permit on behalf of Sherwood Forest Outdoor Center who is the current dealer for Interstate Trailers in this territory. He feels that the procedural requirements for conditional use permit is based on application in showing location and intended use of site and general graphic representation should be submitted as well and that the graphic representation that was submitted to the

planning commission shows 20 trailers. He went on to say that the planning commission could not have made its decision based on the intended use of the property and that Mr. Sherwood is opposed to this conditional use permit. Alderman Brewer stated he feels that Interstate Trailer made an adequate representation with their drawing in their request and feels that Mr. Sherwood's concerns are battle between a franchise and a manufacturer. The Mayor was in agreement with Mr. Brewer. Alderwoman Smith motioned to approve the conditional use permits with the original three (3) conditions. Alderman Bell seconded the motion. There was no further discussion. The motion passed 7-0. The conditions are as follows:

- Lighting is required to be inward, downward, and shrouded with no more than one foot candle per square foot at the property ones.
- Signage is required to be a monument sign complying with the requirements of the Overlay District.
- No external sound system allowed.

**8. Consideration of an Old Town Conway Moratorium exception for the property located at the intersection of College and Donaghey Avenue between Donaghey and Augusta.**

The Mayor stated that there is a request from the attorney to hold this item in committee. Alderman Brewer motioned to hold this item in committee. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0.

**9. Consideration of speed humps for Bridgestone Subdivision & Westin Estates.**

The Mayor suggested placing speed humps on Bridgestone, Mockingbird, and Bernard at the cities cost. Alderman Bell motioned to improve those. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

The Mayor recommended placing two (2) speed humps on Prestonwood Dr., Park Place Dr, and Westin Park Dr. The Westin POA requested to also place two (2) on April and one (1) on Canal. These speed humps will be at the subdivisions expense. Alderman Bell motioned to approve the Mayors recommendation of six (6). Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

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

**1. Ordinance authorizing acceptance of donations for Lake Beaverfork baseball field for the purpose of purchasing a scoreboard.**

**O-06-63**

The Mayor stated we will accept it on the donation and then recognize it in the expense side of our budget to allow the purchase of the scoreboard. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded

the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Bell, Alderwoman Smith, Alderman Brewer, Alderwoman Whitmore; Alderman Hawkins; Alderman Jones; and Alderman Weeks. The motion passed 7-0.

**2. Recommendation for playground equipment at Lake Beavorfork & Gatling Park for the Conway Parks & Recreation Dept.**

Brian Knopp, Parks & Recreation Director, was present and stated that his recommendation is for Arkoma for both playgrounds. Alderman Hawkins motioned to accept Arkoma on both bids. Alderman Brewer seconded the motion. There was no discussion. The motion passed 7-0.

**3. Discussion of an agreement for exchange of services from Faulkner County for tipping fees.**

Jeff Johnson, Faulkner County Sheriff's Office, was present and stated that they are asking to be allowed to dump trash for free in exchange for the work crew coming into the city one (1) day per week and cleaning up streets. Alderman Brewer voiced his concerns that the city will incur a cost of \$2.00 per ton and that our landfill will fill up faster. The Mayor suggested holding this item in committee until Mike Murphy, City Attorney and Cheryl Harrington, Sanitation Director, can look at the agreement. Alderman Bell motioned to hold this item in committee. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

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

**1. Resolution authorizing the Mayor to proceed with the acquisition of land for the new police department.**

**R-06-15**

The Mayor stated that the Hiegel family accepted the offer to buy the land of \$432,500. Alderwoman Smith motioned to allow Mayor to proceed with the acquisition of the land. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

**2. Ordinance appropriating asset forfeiture funds to the Drug Task Force.**

**O-06-64**

Alderman Bell motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion.

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

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; and Alderman Weeks. The motion passed 7-0.

- 3. Ordinance appropriating animal welfare voluntary tax revenues to Animal Welfare Unit for special purchases.**

**O-06-65**

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Bell, Alderwoman Smith, Alderman Brewer, Alderwoman Whitmore; Alderman Hawkins; Alderman Jones; and Alderman Weeks. The motion passed 7-0.

- 4. Ordinance accepting litigation settlement proceeds in conjunction with faulty armor vests for the CPD.**

**O-06-66**

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Bell 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; and Alderman Weeks. The motion passed 7-0.

***E. Finance***

- 1. Resolution to accept a proposal submitted by First State Bank for banking services and approving an agreement for those services.**

**R-06-16**

Robin Scott, Chief Financial Officer, recommended to continue the relationship with First State Bank. One key factor being that the interest rate and the bank is willing to provide these services with no fees. Alderman Bell motioned to adopt the resolution. Alderman Hawkins seconded the motion. There was no further discussion. The motion passed 7-0.

**7. *Old Business***

**A. Ordinance (O-06-42) repealing the City of Conway Uniformed Employee's Code (Ordinance O-01-13) and all related codes, ordinances, resolutions, rules and regulations.**

The Mayor suggested that this item be held in committee due to the Civil Service Commission not having finalized their rules and regulations. Alderwoman Whitmore motioned to hold this item in committee. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**B. Ordinance establishing requirements and standards and for excavation plan approval.**

**O-06-67**

The Mayor stated this ordinance will require an excavation plan and permit for an excavation into a hillside or sloped area (ground slope is steeper than 4 ft horizontal to 1 ft vertical) where the maximum vertical height of the excavation exceeds 5 ft for single family construction or 10 ft for non single family construction. The Mayor asked Ronnie Hall, City Engineer, if we must allow item 2/G *Mining and mining operations covered by the Arkansas Open Cut Land Reclamation Act which is regulated by the Arkansas Dept. of Environmental Quality*. Mr. Hall stated this could be eliminated. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Weeks motioned to adopt the ordinance. Alderwoman Whitmore 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; and Alderman Weeks. The motion passed 7-0.

**8. New Business**

**A. Ordinance amending section 1 of O-06-51 to replace Debra Wilson on the Board of Civil Service Commissioners.**

The Mayor recommended that Ward 4 replace their original selection. Alderwoman Whitmore and Alderman Jones selected Jeffery Boucher to replace Debra Wilson. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Bell, Alderwoman Smith, Alderman Brewer, Alderwoman Whitmore; Alderman Hawkins; Alderman Jones, and Alderman Weeks. The motion passed 7-0.

**B. Resolution & agreement to enter into a contract with the YBMA to acquire property known as the "Fairgrounds".**



**R-06-17**

The Mayor stated that an appraisal was done on this property 2000; it was appraised for \$50,000 per acre or 1.8 million dollars. The YBMA will deed it over to the City in return for \$75,000. The City will give YBMA a renewable ten (10) year lease for \$1.00 that they can have for the County Fair and the City will maintain all the buildings and facilities in their current condition until the City can relocate the fair to another piece of property with new buildings. The City will take over the baseball program. The City will be granting the current vendors for the concessions a five (5) year extension of their current franchise and for the boy's recreational league the City will grant the concession vendor a five (5) year concession. The equipment vendor would be allowed the cost plus a mark up of thirty-five percent (35%) except on baseballs which then the mark up will be twenty percent (20%). Alderwoman Smith stated that she has had many phone calls in regards to what will be done for the girl's league. She feels that they are being slighted again and that the City is not doing anything for them. Alderwoman Smith went onto say that she visited the facility and that the equipment and the buildings are in terrible shape and that their will have to be several things done to bring the facility up to speed. Alderman Brewer called a question. The motion passed 7-0. There was no further discussion. The motion passed 7-0.

- C. Resolution authorizing the Mayor to entering into contracts for the provision of architectural services for the police and fire departments.**

**R-06-18**

The Mayor stated that Wilson, Estes Police Architects of Mission, Kansas has been selected for the new central police facility. They have given a firm price of \$453,000, this is right a 7.5% of an estimated building price of around \$6.5 million. The firm selected for the fire dept. is Wittenburg, Delony, and Davidson Architects of Little Rock, Arkansas. They have submitted a price that will be a percentage of the contract document, 7.5%, which is according to the tier of percentages of a contract cost, is typical. The Mayor stated that the committee for each department is recommending to approve these two firms. Alderman Brewer motioned to adopt the resolution. Alderman Bell seconded the motion. There was no further discussion. The motion passed 7-0.

**Adjournment**

There was no further discussion and the meeting was adjourned.

**PASSED this 23<sup>rd</sup> day of May 2006**

APPROVED:

\_\_\_\_\_  
Mayor Tab Townsell

\_\_\_\_\_  
City Clerk Michael O. Garrett