
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
June 13, 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.

1. *Invocation, Pledge, Call to Order*
2. *Roll Call*
3. *Minutes:* Alderwoman Whitmore motioned to approve the May 23rd, 2006 minutes. Alderwoman Smith seconded the motion. The motion passed 8-0.
4. *Recognition of Guests:* None
5. *Public Hearings:*

Alderman Bell motioned to suspend the rules to allow an addition to the agenda to be added at the end of Community Development Committee section for Cajun Brothers Furniture. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

A. Public hearing to discuss the closing of a utility easement at property known as Lot 1 Lachowsky, 1110 Halter Road & 810 Amity Road.

1. Ordinance to close a utility easement at property known as Lot 1 Lachowsky, 1110 Halter Road & 810 Amity Road.

O-06-69

Mayor Townsell opened the public hearing. DeAnn Atkinson with Tim Tyler Surveying stated that Nabholz Properties is requesting to close the 15 ft. utility easement due to it lying within a re-plat of the lot parcel that was created after Amity Rd. went from Halter Ln. through Conway Commons and Hwy 64 E. Mayor Townsell closed the public hearing. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. 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 Grimes, Alderwoman Whitmore, Alderman Weeks, Alderman Brewer, Alderman Hawkins, Alderwoman Smith, Alderman Bell, and Alderman Jones. The motion passed 8-0.

6. Report of Standing Committees:

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

1. Consideration to hold the Holiday Festival of Lights on property connected to the current landfill.

Jim Rhodes was present and stated the proposal would consist of a drive through light festival and carnival type booths for food vendors etc. He stated there would be a small admission charge, possibly \$5.00 per car. Mr. Rhodes went on to say that he is asking for the City to help with the cost of the electricity and also for a 3 -5 year commitment from the City for use of the property, possibly in the form of a franchise agreement. Mr. Rhoades stated he feels that the cost of the electricity will be less than \$5,000.00. Alderman Brewer voiced his concerns about what kind of money/labor the City may incur with this agreement. Mr. Rhodes stated there is an existing road that stops approximately 100 ft. from the next road the Sanitation Dept. has already built and that they are planning to add onto this road. Mr. Rhodes went onto say that most of the other items are projects that will be completed on the landfill property regardless of this event. Mr. Hall stated that he believes the original plan for the road was to put the compost area there and to build an access road from the existing office facility down to the compost area. Alderman Hawkins asked if they have an idea of how many cars might come through the festival and where would the admission fee money go. Mr. Rhodes stated that last holiday season Pine Bluff's festival drew 23,000 cars and Blytheville's festival drew 16,000 cars, he is budgeting for 8,000 cars the first year and that they money. Mr. Rhodes stated that the money would go toward back into the festival. Alderman Jones stated that with the road being gravel will hinder some people from going out and paying \$5.00. Mr. Rhodes was in agreement. The Mayor asked if the council felt comfortable with proceeding with this and granting a verbal approval. Alderman Hawkins motioned to grant Mr. Rhodes and his organization the ability to work with the City to put the festival on including the use of the land with the arrangements outlined for a 3 (three) year period of time. Alderwoman Smith seconded the motion. Alderman Brewer asked if the City's commitment includes \$5,000 per year. Mr. Rhodes stated that if the light bill is only \$1,000 then that is all the City would have to pay, but no more than \$5,000. Alderman Hawkins added the "no more than \$5,000" to his motion. Alderman Brewer stated he feels like there are a lot of costs the City would have to absorb and he would like to know more about what the City's expectations are for preparing the site and the costs. Alderman Brewer motioned to hold this item in committee until Ms. Harrington can be present. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 8-0.

2. Ordinance appropriating funds for the Downtown Sidewalk Improvements (Phase II).

O-06-70

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell asked if section 1 of the ordinance is inaccurate. Ronnie Hall, City Engineer, stated that it should say “*sidewalk*”. The Mayor stated that “*Section 1*” of the ordinance should read “*Downtown Conway Sidewalks Improvements – Phase II*”. Alderman Bell asked about the “*culverts under the railroad*”. Mayor Townsell stated to scratch that as well. Alderman Bell motioned to adopt the corrected ordinance. Alderman Smith seconded the motion. There was no further discussion. The Clerk called the roll with the following voting “Aye”: Alderman Grimes, Alderman Whitmore, Alderman Weeks, Alderman Brewer, Alderman Hawkins, Alderman Smith, Alderman Bell, and Alderman Jones. The motion passed 8-0. Alderman Bell motioned to adopt the emergency clause. Alderman Smith seconded the motion. The Clerk called the roll with the following voting “Aye”: Alderman Grimes, Alderman Whitmore, Alderman Weeks, Alderman Brewer, Alderman Hawkins, Alderman Smith, Alderman Bell, and Alderman Jones. The motion passed 8-0.

3. Ordinance appropriating funds for Downtown Drainage Improvements.

O-06-71

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. Alderman Smith 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”: Alderman Grimes, Alderman Whitmore, Alderman Weeks, Alderman Brewer, Alderman Hawkins, Alderman Smith, Alderman Bell, and Alderman Jones. The motion passed 8-0.

4. Consideration of bids for Downtown Conway Sidewalk Renovation Phase II Front Street (North Street to Mill St).

Ronnie Hall, City Engineer, stated one bid was received from Paladino-Nash for the amount of \$494,145 and he recommended awarding the bid to Paladino-Nash. Alderman Smith motioned to award the bid to Paladino-Nash. Alderman Whitmore seconded the motion. Alderman Grimes asked when construction would start. Mr. Hall stated approximately August 1, 2006. Alderman Hawkins asked when the construction would be completed. Mr. Hall stated they have 120 days to complete the work or they will be charged \$100 per day after the 120 days. Alderman Brewer stated that per Mr. Hall’s letter, the Downtown Partnership is good for the additional \$88,000 (approximately). Mr. Hall stated yes, that the City has a grant in the amount of \$616,000 and the bid was \$494,145 the goal is to utilize the \$616,000. Mr. Hall went on to say that the City will work with T.J. Johnston and the Downtown Partnership in extending this project on further toward Hendrix College and possibly

some other downtown sidewalk improvements. There was no further discussion. The motion passed 8-0.

Alderman Grimes motioned to suspend the rules to move Cajun Brothers Furniture franchise up on the agenda. Alderwoman Smith seconded the motion. The motion passed 8-0.

O-06-72

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Mayor Townsell stated that Cajun Brothers is looking to purchase the property where they are currently located and that property is land locked and has zero lot lines. When deliveries are made the trucks have to block the south bound lane of Front St and with the future development of this area there will be an increase in traffic flow and they need to find a way to get the delivery trucks out of the roadway. The City is asking to grant a small franchise in the form of a loading dock that is roughly 15 ft. long along the south end of the building, protruding out approximately 8 ft. and it would stop 4-5 ft. short of the south bound travel lane of Front St. to allow the delivery truck to square up to the building. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion. There no discussion. The Clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Whitmore, Alderman Weeks, Alderman Brewer, Alderman Hawkins, Alderwoman Smith, Alderman Bell, and Alderman Jones. The motion passed 8-0.

5. Ordinance waiving bids for camera controllers for traffic signal system.

O-06-73

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Ronnie Hall, City Engineer, stated that there is a need for an additional camera controller and he asked for \$25,500 so there would be 2 (two) spares. Alderman Bell amended his motion to include the additional camera controller. Alderwoman Smith amended her second. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Whitmore, Alderman Weeks, Alderman Brewer, Alderman Hawkins, Alderwoman Smith, and Alderman Bell. The motion passed 7-0. Alderman Jones was not present for the vote as he had to leave the meeting.

6. Resolution authorizing the utilization of condemnation procedures to obtain drainage easement located west of Brookside Mobile Home Park and south of Siebenmorgan Road.

R-06-19

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. Alderman Jones was not present for the vote.

7. Consideration of a sign variance for Faulkner County Conservation District for property located at Amity & Middle Road.

Mr. Harrell with the Faulkner County Conservation District was present and stated that the sign they are requesting is more square feet than what the existing ordinance allows. They are asking for a 5 X 12 sign (60 sq. ft. opposed to 48 sq. ft). Alderman Grimes motioned to grant the variance. Alderwoman Smith seconded the motion. The motion passed 7-0.

8. Consideration of a sign variance for Furniture Row USA, LLC for a proposed monument sign located on the southeast corner of Amity Road & Bridgestone Dr.

DeAnn Atkinson, Tim Tyler Surveying, was present to answer questions. Ms. Atkinson stated that Furniture Row is asking the City to reconsider the sign requirements to follow the overlay district. They have a standardized sign they use at their facilities and they would like to use it here. The sign is 25 ft. tall and it does comply with the sign ordinance as it is written now. Alderman Brewer motioned to grant the conditional use permit. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

9. Ordinance for a limited extension of the extraterritorial jurisdiction boundary for zoning & planning. (*Information will be provided at the meeting*)

R-06-20

This item is a resolution. Mayor Townsell stated that the City would be extending its territory jurisdiction for planning and zoning to include a small piece of county land that starts adjacent to Blaney Hill Rd. goes across I-40, across Hwy 64 W., and then a long section of Hwy 64 W. between the new Hwy 25 interchange and past the landfill. Mayor Townsell went on to say that this section of land is not in anyone's planning jurisdiction and that a billboard was erected on Hwy 64 W. and that the City has learned that the State Highway is not regulating billboards and signage so the City is trying to do by extending our planning and zoning ordinances to cover the gap. Alderman Weeks motioned to adopt the resolution. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 7-0.

10. Consideration of readopting the sign ordinance (0-96-60). *

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Bryan Patrick, Planning Director, was present and stated that these changes stem from items that have come before the city council such as variances etc. Mr. Patrick reviewed the following synopsis of the new sign ordinance.

If a section of the ordinance is not referenced no change or minor changes may be assumed.

Section 1.01: Purpose

The description of the purpose of this ordinance has been revised to better clarify the intent of the regulation of signs in the City of Conway. Advertising signs are recognized as an economic asset to the city, but must be aesthetically pleasing as well as creating a safe environment.

Two new sign design areas have been identified:

1. (C-1 Downtown Zone) and Urban Design Overlay areas. Areas zones as C-1 or included in an Urban Design Overlay are allowed a greater range of sign design by variance. Explained in more detail in Section 6.06.
2. High Density Commercial Corridor areas. Defined by the Appendix A map, these corridors are allowed a variance for a larger sign for developments over 20 acres.

These areas are the only areas allowed any type of sign variance.

Section 1.02: Scope

Original sign ordinance did not allow the review of signage for relation to the architecture of the primary structure which it serves. This is reversed with the proposed ordinance. A sign shall relate and reflect the architecture of the primary business for which it serves. The original ordinance did not regulate window signs, they are addressed in the proposed ordinance.

Section 1.03 Applicability:

The original ordinance did not require the relation of a sign to the primary structure. The proposed ordinance requires signs to be visually complementary and compatible with the primary structure. Signs shall be reviewed as part of development review of new commercial structures for scale, height, colors, location, and materials.

Section 2.01 Banned Signs:

The following signs were allowed in the original ordinance, now banned in the proposed ordinance:

- Pole signs
- Festoons and searchlights (Except on a very limited temporary basis see Section 2.04)
- Electronic message boards (Somewhat banned in the original ordinance – now expressly banned)
- Billboards
- Banners (Except on a very limited temporary basis, see Section 2.04. Banners are allowed for civic functions.)

New banned signs:

- Obscene signs
- Inflatable signs (Except on a very limited temporary basis see Section 2.04)

Section 2.02 Permits Required:

A face change of a legal non-conforming sign will require a permit. No permit is required for the face change of a legal conforming sign. Original ordinance allowed the face change of all signs regardless of conformity without a permit.

Section 2.03: Signs Not Requiring Permits

The original ordinance allowed directional / informational signs of 9 square feet or less without a permit. This has been changed to **on-premise** directional / informational signs of 2 square feet or less.

Political signs do not require a permit, as before, however, they must be removed 10 days after election.

Window signs do not require a permit, but are limited to 25% of the total window area.

Historical markers and signs created with landscaping are added to the list of signs not requiring a permit.

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Temporary Signs are removed from the list and now require permits.
Banners of a civic or institutional nature are allowed without a permit.

Section 2.04 Banners and Temporary Signs:

A banner or temporary sign is allowed for a special event up to 48 square feet in commercial areas. This banner may be displayed for 30 days maximum. A business is allowed one temporary sign permit per year. A \$500 bond will be posted for this banner or temporary sign. If the banner or temporary sign is not removed within 2 days, the bond is revoked. Only one banner is allowed per premise.

Inflatable signs also follow likewise regulation.

Any temporary signs, including banners, require a sign permit.

Business licenses would be very beneficial in the enforcement of this regulation.

Section 2.05 Sign Maintenance:

The following regulation has been added to the proposed ordinance:

If a business ceases operation for more than 60 days, the sign owner shall remove any signs, unless the business is back in operation within 60 days.

Business licenses would be very beneficial in the enforcement of this regulation.

Section 2.06 Lighting:

Additions to the proposed ordinance:

No glare from sign lighting, internal or external, shall be allowed.

Awnings cannot be completely backlit.

Lighting in C-1 and Urban Design Overlays is limited to exterior lighting only.

Section 2.07 Changeable Copy:

Manual changeable copy boards are allowed. Electronic message boards of any type are expressly prohibited

Section 2.08 Sign Projections from Buildings:

Dimensional changes - sign projection increased from 5 feet to 8 feet. Bottom of a projecting sign dropped from 12 feet to 7 feet above sidewalk and 14 feet above vehicular traffic. Projecting signs may only encroach on street rights of way in C-1 or UDO districts.

Section 3.01 Signs Allowed in All Zones Not Requiring Permits:

The proposed ordinance simplifies the table to all signs allowed in Section 2.03.

Section 3.02 Residential Zones:

Proposed changes allow monument signs only and a decrease from 20% to 5% on wall signs. Signs location changed from 15 foot right of way setback to 0 foot right of way setback. This does not require a 0 foot setback from street right of way, but does allow the property owner to place the monument sign against the street right of way, unless found objectionable by staff during permit review.

No variances allowed

Section 3.03 Commercial, Office, and Industrial Zones:

Proposed changes to allow menu signs in all commercial zones.

Permanent free-standing signs are limited to monument signs with varying size limits depending on the acreage of the development. <5 acres: 48 square feet, 8 feet in height; 5 to 20 acres: 64 square feet, 10 feet in height; >20 acres with 325 feet of street frontage: 12 feet in height, 96 square feet.

Wall and awning sizes are reduced from 20% of wall area to 5%.

Window signs are limited to 25% of the total window area.

Off premise directional monument signs allowed by right in C-3 and O-1 zones for lots without street frontage (example: Outback Steakhouse). Original ordinance allows off premise directional signs by variance only.

No variances allowed

Section 3.04 Downtown and UDO Zones:

The proposed ordinance creates a C-1 and Urban Design Overlay sign standard. Monument signs are not allowed by right.

Signs allowed by right:

- Menu signs.
- Wall and awning signs up to 5% of wall area.
- Under canopy and projecting signs.
- Window signs
- Roof sign

All signs in these districts are limited to external illumination.

Due to the unique nature of urban areas, sign variances are allowed for unique sign designs that fit the character of the supporting structure and urban environment (example: Kordsmeier Furniture Sign). Variances are handled by Planning Department staff review, unless appealed by the applicant, Planning Commission, or City Council.

Section 3.05 HDCC Zone:

Allows larger monument signs for HDCC areas

Variance for height and sign area is available for 20+ acre developments

Variance is handled by the Planning Department, unless appealed by the applicant, Planning Commission, or City Council. See Section 6.06 for variance procedure.

Section 4.01, 4.02, and 4.03 Non-Conforming Signs:

The proposed ordinance has stricter standards on the continuation of non-conforming signs:

Any relocation results in loss of non-conforming status. The original ordinance allowed a legal non-conforming sign to be re-established if relocated by street widening. This is not allowed in the proposed ordinance.

Any destruction or demolition results in loss of legal non-conforming status.

Legal non-conforming status is lost if a business is closed for 60 days or more.

Legal non-conforming wall signs shall prevent the installation of a new monument sign. Likewise, a legal non-conforming free-standing sign shall prevent the installation of new wall signage.

Any new development on the site, change of tenant, occupancy, 25%+ change in the sign face, etc. will result in the loss of legal non-conforming status.

If a legal non-conforming sign stays in a state of disrepair in excess of 60 days, the owner will be required to repair or remove the sign within 30 days of notification.

Again, Business licenses would greatly aid in the tracking and enforcement of legal non-conforming signs.

Section 6.01 Code Administrator:

The Director of Planning shall be the Sign Administrator.

Section 6.02 Application for Permits:

Proposed additional submittal requirements:

The owner of the property must supply a letter of authorization.

Materials and color schemes must be submitted.

Once issued, the permit expires in 12 months if the sign is not constructed.

Section 6.03 Fees:

If the proposed ordinance is adopted, a more intensive review of the sign plans will be required, therefore more city staff time will be spent on the review. A higher permit fee would be appropriate. The current fee is \$15. A fee of \$100 would be more appropriate.

Section 6.06 Variances:

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In the proposed ordinance:

Variations are only allowed for the High Density Commercial Corridor (HDCC) and C-1 Downtown or Urban Design Overlay (UDO) districts. In the HDCC, monument sign size can be enlarged if a development is over 20 acres with 325 feet of street frontage. In the Downtown, or UDO districts, a sign may be given greater latitude in design, lighting, size, etc. in order to better fit into its proposed location and the urban environment. In the original sign ordinance, a variance could be requested for any sign in any zoning district.

The proposed ordinance has a new variance procedure: the Director of Planning shall review the request with input from the DRC (Design Review Committee) as needed to determine if the variance should be granted. If the Director of Planning decides to grant the request, the applicant shall notify all City Council and Planning Commission members of that determination by certified letter. If any one of the City Council or Planning Commission members feels that the variance request should not have been granted, the member must notify the Director of Planning within 5 working days from the date of mailing. The Director of Planning will then send the variance request to the Planning Commission or City Council depending on which member objects. If the objection is made by a Planning Commission member, the variance will be reviewed by the Planning Commission. If the objection is made by a City Council member, the variance will be reviewed by the City Council. If the Planning Commission decides to grant the variance, the variance will be considered granted with no further action by the Council needed. If the Planning Commission can't reach a decision, the variance request will proceed to the City Council for review.

If the Director of Planning decides to refuse the variance request, the applicant may appeal to the Planning Commission

If the Planning Commission refuses the variance, the applicant may appeal the decision to the City Council.

The fee for any sign variance request shall be \$100.

Section 6.11 Sign Board of Review:

The sign variance is handled in house by the Director of Planning and Planning Staff unless the variance is appealed to the Planning Commission or City Council. The procedure is similar to the present Site Plan Review variance procedures.

Section 6.12 Inventory and Abatement:

The following phrase is included in the original sign ordinance:

Within 6 months from the date of adoption of this Ordinance, the City shall commence a program to inventory and identify illegal or abandoned signs within its jurisdiction. Within 60 days after this 6 month period, the City shall commence abatement of identified illegal or abandoned signs.

This section is retained in the proposed ordinance, but would be made much easier to enforce with business licenses.

Section 7.10 Penalties:

The penalty for violations of the sign ordinance have been increased from \$50 per day to \$100 per day.

Section 8 Definitions:

Several definitions have been changed and amended for better clarity.

Notably:

Area of a sign: In order to prevent the sameness of monument signs, a monument sign is allowed to vary its perimeter:

When calculating the sign surface area of any sign, a maximum of three (3) distinct and abutting "Areas" made up of squares or rectangles may be used to encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed.

Alderwoman Smith suggested that there should be some public input and she is not sure of how many sign companies know about this. Alderman Brewer stated that he feels there should be a public hearing or something similar to get public feedback. Alderman Brewer motioned to hold this item in committee until there can be a well publicized public hearing to get input at the next council meeting scheduled for June 27, 2006. Alderman Bell seconded the motion.

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

- 1. Resolution of intent to dedicate YBMA lands to Boys & Girls Club.
(Information will be provided at the meeting)**

R-06-21

Jamie Gates, Assistant to the Mayor, was present to answer questions. Alderwoman Smith motioned to adopt the resolution. Alderman Weeks seconded the motion. There was no discussion. The motion passed 7-0.

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

- 1. Ordinance appropriating funding expenses related to District Court for overtime purposes and other expenses.**

O-06-74

Robin Scott, Chief Financial Officer, was present and stated the City is requesting \$20,300 to cover overtime, computer repairs, maintenance and computer equipment during the implementation of the court automation system. Alderman Jack Bell motioned to waive the readings of the ordinance. Alderwoman Smith 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 Grimes, Alderwoman Whitmore, Alderman Weeks, Alderman Brewer, Alderman Hawkins, Alderwoman Smith, and Alderman Bell. The motion passed 7-0.

- 2. Consideration of reclassifying the Fleet Manager Position with the CPD to a non ranking position.**

Randall Aragon, Chief of Police, was present to answer questions. Alderman Bell motioned to accept the reclassification. Alderman Hawkins seconded the motion. Alderman Brewer asked if there was a reason the person in this position needs to be a sworn officer. Chief Aragon stated "no". Alderman Brewer stated that for the same amount of money a layman, who is trained in automotive matters, could be found and might be more qualified. Chief Aragon stated that Officer Screeton does work one weekend per month and he does not want to loose an officer. Alderman Brewer asked if another officer was going to be hired. The Mayor stated that with the

reclassification there would be 98 officers, if we wanted to reclassify the position to a layman's position then we would stay at 97 and the money would be used to hire a civilian employee. Alderman Brewer stated that this would not preclude Officer Screeton from qualifying for the position it would just be a non-uniformed position. The Mayor stated that would effect his pension and he would have to resign his police officer position. Alderman Brewer asked what Officer Screeton is being paid to do the job. Chief Aragon stated a high level patrol officer's salary, somewhere around \$37,000. Alderman Brewer stated for that kind of money you can get a good professional fleet manager and this might be a good time to transition the position to a non-uniformed position. Alderman Brewer motioned to hold this in committee pending a proposal to make this a civilian position. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 4-3 with Mayor Townsell voting with the majority. Alderman Bell, Alderman Weeks, and Alderman Hawkins voted in opposition.

- 3. Ordinance accepting donated assets (two vehicles) from Steve's Wrecker's to the CPD.**

O-06-75

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. Alderwoman Smith seconded the motion. There was no discussion. The Clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Whitmore, Alderman Weeks, Alderman Brewer, Alderman Hawkins, Alderwoman Smith, and Alderman Bell. The motion passed 7-0.

- 4. Ordinance amending *Ordinance No. O-4-60 (Animal Control Ordinance)* to prohibit the sale of animals from certain locations.**

O-06-76

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion. Shona Osborne, Animal Control Officer, explained to the council about the increasing issues with the sale/give away/abandoned animal problem created from puppy peddlers. David Luneau spoke against the amendment stating that he sales 3-4 litters of his own dogs every year for charitable causes and to help cover the medical expenses incurred from his son. Mary Neiser, Arkansas Great Dane Rescue, spoke in favor of the ordinance. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Whitmore, Alderman Weeks, Alderman Brewer, Alderman Hawkins, Alderwoman Smith, and Alderman Bell. The motion passed 7-0.

Finance

1. Discussion of 2005 Comprehensive Annual Financial Report.
(Information will be provided at meeting)

David Mosley, with Jeffreys, Phillips, Mosley & Scott, was present to answer questions. He gave a status report on the recent audit that was performed in May 2006. The formal reports will be available at the next council meeting. He stated they were pleased with the interaction with the City's finance staff and feels good about the quality of the people and the accuracy of the accounting information that is being generated. He stated that he doesn't feel it will be necessary to issue a management letter at this point in connection with the audit.

7. Old Business

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

Mayor Townsell stated we would get the services of a supervising officer paid for by the county who would use a work crew of prisoners to pick up trash/litter in the city and the county and deposit this waste in the Conway landfill in exchange for the waiver of tipping fees. Alderwoman Smith motioned to allow the Mayor to enter into this agreement. Alderman Grimes seconded the motion. Alderman Hawkins asked how long the agreement would be. Mayor Townsell stated there is no termination date but it can be terminated by either party at any time. Alderman Hawkins requested to put in some type of measuring device to enable the City to watch what is brought in and determine if this could eventually be a long term problem for the landfill as he believes we will never be granted any more landfill space. Alderman Brewer spoke with Cheryl Harrington, Sanitation Director, and she gave him some cost estimates that the city will incur, one being \$22.75 per ton which includes \$2.50 per ton that is payable to ADEQ. The county residents are charged \$60 per ton. Alderman Brewer's greatest concern is the life of the landfill. Alderwoman Whitmore motioned to amend the agreement to include cemeteries. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. There was no further discussion of the main motion. The motion passed 6-1. Alderman Brewer voted in opposition.

8. New Business

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 13th day of June 2006

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APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett

**This item was added due to being inadvertently left out the agenda.*