
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
March 6, 2007

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; Alderwoman Smith, Alderwoman Mehl, Alderman Vaught, Alderman Grimes, Alderwoman Whitmore and Alderman Bell. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett. Alderman Hawkins was not in attendance.

1. *Call to Order*
2. *Roll Call*
3. *Minutes: February 27th, 2007*

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. .

4. *Recognition of Guests:*

5. *Public Hearings:*

A. **Public hearing to discuss closing a partial utility easement located on Lot #11 of Green Gables.**

Mayor Townsell opened the public hearing. Milton Huff, 325 Hannah Dr; Conway, AR, stated the request is to allow for construction of a pool house. Mayor Townsell stated all utility companies have approved this partial closing. Mayor Townsell closed the public hearing.

1. **Ordinance to partial close the utility easement along the west property line of Lot #11 of the Green Gables Subdivision (325 Hannah Drive).**

O-07-17

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

6. *Report of Standing Committees:*

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

1. Consideration to annexation property located immediately south of Cresthaven Subdivision Phase II west of Mill Pond Road.

Mayor Townsell stated this is not an extension of our corporate boundaries, but will allow us to fill in the gaps so to speak. Alderman Bell motioned to establish our intent to annex the property. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

2. Resolution establishing the intent of the City of Conway to annex certain lands located on the North Side of Prince Street (5015 Sistine Chapel Drive) across from Four Winds Chapel.

R-07-06

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

3. Ordinance to rezone property located at 4725 Prince Street from A-1 to O-1.

O-07-18

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 Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

4. Ordinance to rezone property located at #731 Donaghey Avenue, #2121-2219 Robinson Avenue, #2116-#2130 Louvenia Avenue and #702 and #708 Western Avenue from R-2A and O-3 to S-1.

O-07-19

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Allen Finley, Conway Regional Medical Center, stated due to rapid growth there is a need to expand the Womens Center and to build an O.R. facility which in turn will create a need for additional parking. Mr. Finley stated they would like to expand their parking area

over between Louvenia and Robinson so this could serve both parts of the campus. Mr. Finley went onto say that they would also like to use the two houses on the corner of Donaghey and Robinson for medical center uses. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

5. Ordinance to rezone property at 708 S. Donaghey Avenue from R-1 to O-2.

O-07-20

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. Alderwoman Smith seconded the motion. Roy Martin, Central Arkansas Real Estate, was present to answer questions. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

6. Ordinance to rezone property located at #3630, #3640, #3650, #3660, #3670, and #3780 Jeanna Drive from A-1 to MF-2.

O-07-21

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. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

7. Consideration for a floodplain specialty consultant to help satisfy FEMA requirements in regards to their 2006 Community Assistance Visit (CAV) & consideration/discussion of Harkrider street improvements.

Ronnie Hall, City Engineer, stated the primary deficiency was the city's lack to maintain its records. FEMA also wants the city to demonstrate that we have addressed the floodplain issues from several sites around the city and Mr. Hall feels assistance is needed from a consultant. Mayor Townsell stated that FTN Associates is the water specialist in the state. Alderman Bell motioned to enter into the agreement with FTN Associates. Alderwoman Smith seconded the motion. Alderman Vaught stated that the initial budget of \$20,000 seems open-ended. Mr. Hall stated since we don't know what FEMA wants, we want FTN to look at our work and review it. There was no further discussion. The motion passed 7-0.

Ronnie Hall, City Engineer, stated the Highway Dept. would like the city to evaluate the retaining wall around the opening of the underpass for a vehicular crash; as well as the design of the overhead signs that will properly direct traffic through the roundabout. Mr. Hall stated he would like Garver Engineers to assist us in these matters. Alderman Bell motioned to approve the hiring of Garver Engineers to provide professional engineering services on the retaining wall and help in the design of the overhead signs. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Consideration to amend the agreement between the City of Conway and Delta Beverage Group (Pepsi Americas) to add a scoreboard out at Beaverfork.

Mayor Townsell stated this is an amendment to our 10 year agreement that will allow Delta Beverage to build a sign at our ball field at Beaverfork and allows them to have sole rights to the sign. Alderman Bell motioned to amend the agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Ordinance appropriating funds for Civil Service Commission for specialty advertising.

O-07-22

Mayor Townsell stated the specialty advertising will increase our pool of applicants to reach minority candidates which is lacking in the city. Mayor Townsell went onto say that privately raised money was used to advertise on radio and one day's advertising brought in 4 of the 11 applicants. Jerry Glover, Civil Service Commissioner, stated he feels this is the only way they can advertise in these specialty areas. 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. Alderwoman Mehl seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

The \$2,000.00 for specialty advertising will be appropriated through a General Fund "fund balance appropriation".

7. Old Business

A. **Ordinance to clarify the inclement weather policy for the City of Conway**

O-07-23

Alderman Vaught motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Lisa Mabry-Williams, Human Resource Director, stated the following language has been added:

Paragraph 2: *“The Mayor or his designee shall make the decision if city offices are to close during inclement weather”* and *“However, if the employee’s opinion the conditions are too hazardous to get to work safely then the employee will be required to use vacation or comp time, or to take off without pay”*.

Paragraph 3: *“If the Mayor or his designee announces certain non-essential city departments are closed due to inclement weather, those employee in those departments that were scheduled to work will be paid. This will affect the employees working the 8:00 a.m. to 4:30 p.m. shift on Monday through Friday only”*.

Paragraph 4: *“Essential employees that are scheduled to work and physically work on a day that the Mayor declares non-essential city departments are closed, will receive 8.0 hours of comp time in addition to their regular rate of pay for that day.”*

Paragraph 5: *“The Mayor or his designee may announce that the start time for city offices will be delayed until 10:00 a.m. Employees that report to work at the delayed start time will be paid for 8.0 hours. This will affect the employees working the 8:00 a.m. to 4:30 p.m. shift on Monday thorough Friday only”*.

Alderwoman Whitmore asked if all employees typically work the 8:00 – 4:30 shift. Ms. Williams stated no, some work a night shift and sanitation works different shifts as well. Alderman Vaught stated he would like to see this worded where it would not limit it to only the 8:00 – 4:30 shift. Mayor Townsell suggested changing the wording in paragraph 3 to say “day shift”. Ms. Williams suggested adding “full-time employees” to this as well. Alderwoman Smith motioned to change the last sentence of paragraph 3 and paragraph 5 to read *“This will affect the full-time employees working the day shift on Monday through Friday only”*. Alderman Vaught suggested adding a maximum numbers of days in paragraph 6. Alderman Vaught and Alderman Bell suggested the maximum number of days allowed be set at 3. Alderman Grimes was in agreement. Alderman Grimes suggested 3 cumulative days per year. Mayor Townsell stated for clarification that paragraph 6 will read *“Under the inclement weather policy 3 days of pay are allowed per calendar year”* and to strike the last line of paragraphs 3 and 5; and adding *“for full time employees”*. Alderwoman Whitmore motioned to amend the ordinance by changing paragraph 6 to

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read *“Under the inclement weather policy 3 days of pay are allowed per calendar year”* and to strike the last line of paragraphs 3 and 5; and adding *“for full time employees”*. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting “Aye”: Alderman Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

B. Ordinance to clarify the emergency call out and/or off duty court duty policy for the City of Conway.

O-07-24

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. Alderwoman Mehl seconded the motion. Lisa Mabry-Williams, Human Resource Director, stated this will allow all non-exempt employees that are called out for emergency work, or are required for court duty during their off duty time will be eligible for over-time pay. There was no discussion. The clerk called the roll with the following voting “Aye”: Alderman Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

8. New Business

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 6th day of March 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett