
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
March 27, 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: Alderman Hawkins, Alderwoman Smith, Alderwoman Mehl, Alderman Vaught, Alderman Grimes, Alderwoman Whitmore, Alderman Bell and Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett.

1. *Call to Order*
2. *Roll Call*
3. *Minutes: March 6th, 2007*

Alderwoman Whitmore motioned to approve the March 6, 2007 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests: Employee Service Awards*

Police Dept – 5 years

Officer Sharon Carter

15 years

Officer Bill Haynes

Fire Dept -10 yrs of service

Lt. Todd Cardin

Driver Mike Cullum

Driver John Skinner

Driver Jerry Stacks

15 years

Driver Wayne Hartness

Street Dept – 10 years of service

Jerome Perkins

5. *Public Hearings:*

6. Report of Standing Committees:

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

- 1. Ordinance accepting and appropriating grant funds for downtown streetscape improvements along Oak Street (east of Front St).**

O-07-25

Mayor Townsell stated the grant is for \$198,000 and will be used for the continuation of the streetscapes which will be used along Oak St east of Front St. The funds will be appropriated from the Street Dept Federal Grant Revenue fund (02.943) to the Street Dept Downtown Revitalization Project. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. 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 Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, Alderman Hawkins and Alderman Jones. The motion passed 8-0.

- 2. Ordinance waiving bids and selecting a sole source vendor for purchase of flower planters for the Downtown area along Front Street.**

O-07-26

Mayor Townsell stated this will allow us to purchase planters that will match the planters we currently have. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. 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 Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, Alderman Hawkins and Alderman Jones. The motion passed 8-0.

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

- 1. Resolution setting a public hearing to discuss closing an easement in the south fifteen feet of Lot 1A-1 of the re-plat of Lot 1A in Sherman Heights.**

R-07-07

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0. The public hearing will be held on Tuesday April 10, 2007 at 6:30 p.m.

- 2. Resolution setting a public hearing to discuss abandoning West Simms Street (unimproved between Hubbard and Denison) in the Blaney Subdivision.**

R-07-08

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0. The public hearing will be held on Tuesday April 10, 2007 at 6:30 p.m.

- 3. Ordinance accepting the annexation of the north side of Prince Street at 5015 Sistine Chapel Lane across from Four Winds Chapel.**

O-07-27

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

- 4. Ordinance rezoning property located at 703 and 705 Donaghey Avenue from R-2A to O-3.**

O-07-28

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Bill Polk addressed the council and stated he believes this is a good transitional zoning for the area. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, Alderman Hawkins and Alderman Jones. The motion passed 8-0.

5. Consideration of a conditional use permit for a child care facility for property located at 2100 Spring Valley Drive.

Alderman Hawkins motioned to grant the conditional use permit with the conditions listed below. 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, Alderman Hawkins and Alderman Jones. The motion passed 8-0.

- 1) Hours of operation are 6:30 a.m. to 6:00 p.m.
- 2) Lighting is to be inward, downward, and shrouded.
- 3) The number of children is limited to what the state of Arkansas regulations allow up to a maximum of 120 children.
- 4) Fencing will be six feet high and run from the northern boundary of the parking lot to the northern boundary of the property, enclosing that area.
- 5) No outdoor sound systems allowed.
- 6) The structure is required to meet proposed development standards as outlined in proposed Article 1101 of the Zoning Ordinance.
- 7) Dumpster enclosure to be masonry/brick veneer.
- 8) The submitted site plan is subject to revision as needed by the current site plan review requirements, including but not limited to ingress/egress, dumpster location, parking lot design, cross/joint access, trees, and landscaping.
- 9) Signage is limited to two 48 square foot wall mounted signs.

6. Consideration of an appeal of ruling by the Old Conway Design Review Board by John & Joyce Hardin with a property address of 1215 Hunter Street.

John Hardin, property owner, stated it appears to him that the contribution will be triggered every time he applies for a building permit and is requesting the council to waive the fee. Mayor Townsell stated this would apply a standard that we have imagined across Conway, but we have not yet began to apply it. Mayor Townsell agrees that the building permit process needs to track properties that have already paid the in lieu of fee so that years from now that property owner will not have to pay the fee again. Mayor Townsell went onto say that the Design Overlay group has a series of recommendations for making this process better. Alderman Vaught stated the council should hold off until they see what the recommendations are from the Design Overlay group. Alderman Vaught motioned to hold this item and any potential payment in committee until some recommendations are brought to the council. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

7. Consideration of bids for LED Traffic signal modules for the Conway Street Department.

Ronnie Hall, City Engineer, stated these are replacements for the bulb in the traffic signal head and recommended awarding the project to the low bidder Pinkley Sales Co. for \$27,453.58. Mr. Hall also stated he would like to add another traffic signal to the project to make a total of \$29,254.96 and noted that there is \$32,000 in the budget to cover this item. Alderwoman Smith motioned to award the low bid to Pinkley Sales and allow the addition of the second traffic signal. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

8. Consideration of bids for The Meadows Subdivision (Phase 2) street and drainage improvements.

Ronnie Hall, City Engineer, stated this is for CDC's Technology Park and would complete the street, sidewalk, and drainage system within that subdivision. Mr. Hall stated the low bid was submitted by Robinson Backhoe & Dozer for \$1,385,355.76 and recommends awarding the bid to them. Alderman Bell motioned to award the low bid to Robinson Backhoe & Dozer. Alderman Grimes seconded the motion. Alderman Jones stated he is not in favor of awarding the bid to Robinson because of their performance on Favre Ln. Alderman Vaught asked if inspections are done on roads being built. Mr. Hall stated yes they are spot checked. Alderman Grimes stated sometimes the low bid is not always giving the taxpayer the best benefit. Alderman Jones asked if Robinson feels they have repaired Favre Ln. by patching it. Mr. Hall stated yes. Mayor Townsell recommended holding this item over to allow Robinson time to produce satisfactory results on Favre Ln., and if they cannot do this, we can move to the next low bidder. Alderman Jones stated if Robinson says they will fix Favre Ln. we need to get a completion date because this has gone on for a year. Alderman Bell motioned to table this until the next council meeting. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

9. Discussion/consideration of a roundabout at Prince Street and Western Ave.

Alderman Hawkins motioned to endorse the roundabout and to ask the school district to split payment with the city. Alderwoman Smith seconded the motion. Robert Haskett, owner of The Brewery, stated he is not opposed to the roundabout, but feels that placing a roundabout one block from a traffic light poses a potential to back up traffic inside the roundabout and feels a traffic study should be conducted to determine the best placement of the roundabout. Alderwoman Smith stated the only other location would be the parking lot located behind the administration building. Alderman Jones asked if traffic would backup in the roundabout because of the traffic light 1 block east. Ronnie Hall, City Engineer, stated the school has not stated they have seen any backups to Western, and that Ernie Peters is conducting a traffic model to see if traffic will backup into the roundabout. Mr. Hall stated this will funnel traffic out onto Prince and out of the neighborhoods. Mayor Townsell stated that the divider islands can be made smaller as they were on Washington Ave. Alderman Hawkins agreed that the traffic light at Donaghey could be a problem if indeed traffic

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

will back up that far west of the light and feels this should be looked into. Alderwoman Smith motioned to hold this item in committee until the traffic study is complete. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

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

1. Consideration to accept a bid from North Point Ford for a 4x4 One Ton Truck Chassis for the Sanitation Department.

Mayor Townsell stated the low bid was from North Point Ford for \$24,370 and the recommendation is to award this bid to North Point Ford. Alderwoman Smith motioned to accept the low bid. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance waiving bids for the purchase of a CAT motor grader for the Conway Sanitation Department.

O-07-29

Mayor Townsell stated this piece of equipment is used and is property of Faulkner County and they are releasing it to a bid. Mayor Townsell asked the council to authorize the city not to exceed \$55,000 on the bid, but stated we will bid much lower than that. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. 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, Alderman Hawkins and Alderman Jones. The motion passed 8-0.

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

1. Consideration to accept annual bids for turnout gear from Pro Fire Equipment for CFD.

Mayor Townsell stated that one bid was received from Pro Fire Equipment for \$1,825.01. This amount is for one coat one pant, tax and shipping. Alderman Bell motioned to accept the low bid. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration to accept a bid for a rescue boat from Rescue One Connector for CFD.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Mayor Townsell stated the bid received from Rescue ONE Connector Boats was for \$37,900. Bart Castleberry, Fire Chief, stated the boat has a fire pump that can be removed and placed on the bank. Alderwoman Smith motioned to award the bid to Rescue ONE Connector Boats. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

3. Ordinance appropriating donated funds from Wal-Mart Foundation to purchase dive equipment carts for the Conway Fire Department Dive Team.

O-07-30

\$650.00 will be appropriated from the General Fund Revenue Donation Account to the Fire Dept. SORT Team Supplies Operating Account (01.115.337). Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman 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, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, Alderman Hawkins and Alderman Jones. The motion passed 8-0.

4. Ordinance appropriating funds for the Animal Welfare Wastewater Lift Station.

O-07-31

\$1,532.00 shall be appropriated from the Sanitation Fund Balance Appropriation Account (50.990) and \$217.00 shall be appropriated from the General Fund Account (01.990) to the Lift Station Construction in Process Account (50.436.767). 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 Grimes, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Bell, Alderman Vaught, Alderman Hawkins and Alderman Jones. The motion passed 8-0.

5. Consideration to purchase an adoption trailer for the Animal Welfare Unit with funds from the spray/neuter program.

Alderwoman Smith motioned to purchase the trailer. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

6. Consideration of an agreement between the Conway Housing Authority and the City of Conway for one full time community policing officer.

Mayor Townsell stated this is a renewal of a standard agreement the city has with the Conway Housing Authority. Alderman Hawkins motioned to enter into the agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

7. Ordinance waiving bids and providing sole source status for L3 Communications for mobile vision digital video recording for the Conway Police Department.

O-07- 32

Ralph Screeton, Police Dept. Fleet Mgr., stated this is a digital video system that records videos from the police vehicles during traffic stops and noted it is the same system they have used since 2005. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. Alderman Vaught asked how much each recorder cost. Mr. Screeton stated he did not have the exact figure available but believes they cost approximately \$5,400.00 each and went onto say that comparable units are available but the problem with them is compatibility. Alderman Hawkins stated since we are providing a sole provider status for this vendor he would like to see it limited to 12 or 24 months. Alderman Hawkins motioned amend the ordinance to use this vendor as a sole source provider for a period of 24 months and waive bid requirements for seven new mobiles. Alderman Grimes seconded the motion. The motion passed 8-0. 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, Alderman Hawkins and Alderman Jones. The motion passed 8-0.

7. Old Business

A. Consideration of a conditional use permit for a transmission tower/station (cell tower) for property located at 3715 Prince Street on the site with West Conway Mini Storage.

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

- 1) Transmission tower must be monopole construction of flag pole design with no external antennae or cabling.
- 2) Fencing will be chain link and a minimum of 6 feet in height.
- 3) No signage allowed except that required by the FCC.
- 4) No lighting allowed except that required by the FAA and for emergency lighting in the compound.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

5) No flags or banners allowed on this pole.

8. New Business

A. Ordinance appropriating funds to purchase an awning for the pavilion in Simon Park.

O-07-33

Mayor Townsell stated this money was not budgeted and we did get quotes for replacement. Mayor Townsell went on to say that Hot Springs Awning did the work last time and they came in under the \$10,000 limit while the other quotes were quite a bit higher. Alderwoman Smith asked if we could ask the Toad Suck Daze Committee to contribute some money to help pay for the awning. Mayor Townsell stated yes. Alderman Bell motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore 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, Alderman Hawkins and Alderman Jones. The motion passed 8-0.

Mayor Townsell stated we can get the awning in any color but suggested dark green to go with other colors in the downtown area. The council was in agreement.

B. Discussion regarding the purchase of the "Old Swing City Property" near Curtis Walker Park.

Mayor Townsell stated that the "Old Swing City Property", which is approximately one acre, has been offered to the city but no price has been mentioned and the Mayor believes it is zoned O-2. The Mayor stated if the council is interested in the property he will investigate it further. The council was in agreement.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 27th day of March 2007

APPROVED:

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Mayor Tab Townsell

City Clerk Michael O. Garrett