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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
May 22, 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, Alderman Vaught, Alderwoman Mehl, Alderman Grimes, Alderwoman Whitmore, and Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Hawkins and Alderman Bell were not in attendance.

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* May 8<sup>th</sup>, 2007& May 10<sup>th</sup>, 2007

Alderwoman Smith motioned to approve the minutes as submitted. Alderman Grimes seconded the motion. The motion passed 6-0.

4. *Recognition of Guests: Employee Service Awards*

Perry Faulkner – Finance Dept. – 15 Yrs  
Phyllis Johnson – Police Dept. – 10 Yrs

Major Mark Elsigner was recognized for his tenure as interim police chief. He was given a plaque and his chief's badge.

5. *Public Hearings:*

- A. **Public hearing to discuss a conditional use permit for MF-1 density in an R-2 zone for property located at 308 Salem Road for Roy Massey.**

Mayor Townsell opened the public hearing. Bill Adkisson, Attorney at Law, stated the conditional use permit will allow an increased density for up to 12 units, but the applicant, Roy Massey, wishes to put in 11 units. Mayor Townsell closed the public hearing.

1. **Consideration of a conditional use permit for MF-1 density in an R-2 zone for property located at 308 Salem Road.**

Alderwoman Smith motioned to approve the conditional use permit with the six conditions. Alderman Grimes seconded the

motion. There was no discussion. The motion passed 6-0. The six conditions are listed below:

1. Lighting - inward, downward, and shrouded.
2. Screening/Fencing.
3. No external sound system.
4. Structures will be reviewed as per proposed new development standards during site plan review.
5. Tree preservation - review by Tree Board as part of site plan review.
6. Plat must be corrected to show pedestrian easement location connecting with property to the west.

Alderman Grimes motioned to suspend the rules to move item 8-A up in the agenda. Alderman Vaught seconded the motion. The motion passed 6-0.

#### O-07-55

Mayor Townsell explained this is a temporary franchise for the use of Simon Park to be in effect until Dec. 1, 2007. The Franchise fee is \$50.00, Mr. Haskett will be responsible for keeping the area clean of waste generated by the operation, and operations must be maintained in a safe manner and must be licensed/inspected by the state of Arkansas. The city assumes no maintenance or liability responsibility for the franchisee's plant or appurtenances. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderwoman Smith 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, Alderman Vaught, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 6-0.

#### **6. Report of Standing Committees:**

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

- 1. Consideration of a request to place a sign in the City's right of way by Rauh Coleman for property located at East German Lane.**

Alderman Smith motioned to grant the request. Alderman Grimes seconded the motion. There was no discussion. The motion passed 6-0.

**2. Consideration of bids from the Street Department for a Platform Lift and Service body truck (Bucket truck), Four wheel drive compact utility vehicle (SUV), & a Crawler Dozer.**

Ronnie Hall, City Engineer, stated the dozer is replacing a 1972 CAT dozer; the low bidder was Komatsu but they failed to meet bid specs and Mr. Hall is requesting the bid be awarded to Scott Equipment for a Case 1150K for \$114,000.00.

Mr. Hall stated the Platform Lift Truck will lift 2 individuals instead of 1; one bid was received from Stamm Mfg. for \$90,964.00.

Mr. Hall stated the utility vehicle is a replacement and will be used by the construction inspector to inspect job sites and stated the low bidder was from Landers Chrysler Dodge Jeep for \$19,290.00.

Alderman Smith motioned to accept the low bids with the exception of the dozer which will be awarded to Scott Equipment. Alderman Grimes seconded the motion. There was no discussion. The motion passed 6-0.

**3. Consideration of bids from the Street Department for improvements on Favre Lane (Salem to Donaghey Ave).**

Ronnie Hall, City Engineer, stated six bids were received and recommends going with the low bidder, Paladino Construction, for \$1,167,251.50. Alderman Smith motioned to accept the low bid. Alderman Grimes seconded the motion. There was no discussion. The motion passed 6-0.

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

**1. Ordinance appropriating asset forfeiture funds to the Conway Police Department.**

O-07-56

A.J. Gary, Chief of Police, stated this is a replacement truth verification device. Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion

passed 6-0. Alderwoman Smith 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, Alderman Vaught, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 6-0. \$3,000.00 shall be appropriated from the Asset Forfeiture Undesignated Contingency account and transferred to the Asset Forfeiture Office Machines expense account.

- 2. Ordinance waiving bids for allocation of court automation funds to cover computer repair and maintenance.**

**O-07-57**

Mayor Townsell stated District Court collects \$2.50 per person on time payment plans as required by the State and this is set aside for court automation; the city did not project a line item to cover computer repairs and maintenance and are requesting approval of a \$10,000.00 budgetary transfer to cover the repairs. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderwoman Smith 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, Alderman Vaught, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 6-0.

**C. Personnel**

- 1. Consideration of the addition of a Special Projects Manager to the existing pay grid for the Administration Dept.**

Alderwoman Smith motioned to approve the addition to the pay grid. Alderman Grimes seconded the motion. Alderwoman Smith asked if this grid has been compared to other cities. Mayor Townsell explained he wanted to price this similar to the Park Development Mgr., as we initially felt like this position would take on some of those roles. Alderwoman Smith asked what we are looking for in this person. Mayor Townsell stated we want someone with project management skills and someone with contacts and knowledge of the city pertaining to negotiations of trail easements. There was no further discussion. The motion passed 5-1. Alderman Vaught voted in opposition.

**2. Ordinance appropriating funds for the Special Projects Manger position for the Administration Dept.**

**O-07-58**

Mayor Townsell explained that the Parks Development Mgr. was approved and filled earlier this year but due to development and regular maintenance of our existing parks system and added programs, this person has not been able to perform the duties they were hired to do. Mayor Townsell stated this position will serve as a liaison for the city's upcoming construction projects and will work with property owners in regards to park projects including trail easements. Alderwoman Smith asked what department this position would be in. Mayor Townsell stated within the Mayors office. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Grimes seconded the motion. The motion passed 6-0. Alderwoman Smith 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 Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 5-1. Alderman Vaught voted in opposition. The clerk called the roll for the emergency clause with the following voting "Aye": Alderman Grimes, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion failed 5-1. Alderman Vaught voted in opposition. \$32,432.60 shall be appropriated from the General Fund - Fund Balance Appropriation account and transferred to the Administration Personnel Services account.

**7. Old Business**

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

Alderman Grimes asked if this item was already taken care of due to there being no process for this type of appeal. Mayor Townsell stated that since the item was tabled it had standing before the rules were changed; we have to make a ruling based on previous code. John Hardin, applicant, stated he will withdraw the appeal, but would like the city to consider the economical impact for houses and on real estate prices in a part of town that has a lot of smaller homes and he explained he doesn't understand the logic of this for one part of town.

8. *New Business*

- A. **Ordinance granting a franchise agreement to Robert Haskett, owner of the Brewery, to operate a vending cart in Simon Park. (Information will be provided at meeting)**

This item was moved up on the agenda.

Alderwoman Smith motioned to suspend the rules to discuss/consider 3 additional items. Alderman Grimes seconded the motion. The motion passed 6-0.

Mayor Townsell explained the outcome of the meeting with Carter Burgess regarding the YBMA Master Plan; as they are looking for a general endorsement of the final concept so a more detail drawing can be submitted. Mayor Townsell explained they followed some of the recommendations they were given by relocating the entrance to Robins St. by lining it up with South Blvd.; the Boys and Girls Club was moved from the northwest corner to the northeast corner and it's footprint was reduced to approximately 2/3 acre (parking will be shared with the city); a circle drop off area was added as was the signature field. Alderwoman Smith motioned to endorse the preliminary concept. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 6-0.

**An ordinance appropriating funds to Physical Plant to purchase an ATV Truck.**

**O-07-59**

Mayor Townsell explained there is quite a bit of new landscaping to take care of and the old watering cart is just too small. This purchase will allow the city to address the watering needs of the landscaping quicker while saving us in labor costs. \$9321.00 shall be appropriated from the General Fund - Fund Balance account (01.990) to the Physical Plant (01.109.924 - Tractor). Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Alderwoman Smith motioned to add an emergency clause to the ordinance. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Vaught, Alderwoman

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Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 6-0. The clerk called the roll for the emergency clause with the following voting "Aye": Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 6-0.

Mayor Townsell stated that after discussions with First State Soccer Park Inc. and after reviewing their income statements, the Mayor feels it is appropriate for the city to step into the agreement we have between First State Bank and First State Soccer Park Inc. First State Soccer Park Inc. currently holds the \$1.6 million note on the soccer park. They thought they could maintain the park with funds generated from sponsorship fees, parking, etc, and pay off the interest expense and pay down the principal over time. It has been recognized they cannot do this on an ongoing basis and this has caused a negative impact on the soccer program. Mayor Townsell explained that there are expenses; such as restroom repairs/maintenance, walkway improvements, and basic capital improvements that need to be made, that cannot be made, because they are struggling under debt. Mayor Townsell went onto say that in the 2006 calendar year First State Soccer Park Inc. couldn't cover their interest expense and didn't pay down any principal. The basic program fee is approximately \$75.00 not to mention the expense the family is out to purchase a uniform and the Mayor feels those fees need to be lower. Mayor Townsell asked the council to consider allowing the city to step in thus removing First State Soccer Park Inc. from the equation; the city would then maintain the park and the income would come to us. Park impact fees can be used to make a substantial payment down on the debt thus reducing the interest and this would take pressure off the program so the participants won't have to pay such a high program fee. Alderwoman Smith asked who maintains the park now. Mayor Townsell stated First State Soccer Park Inc. Alderwoman Smith asked if the only thing we have contributed is the infrastructure. Mayor Townsell stated we pay the water and electric bills and we contributed \$25,000.00 a year for maintenance.

Alderman Vaught motioned to suspend the rules to address the emergency clause vote that failed from item *C-2 (O-07-58)*. Mayor Townsell stated a re-vote of the emergency clause can be taken. Alderman Vaught was in agreement. Alderwoman Whitmore motioned to suspend the rules. Alderwoman Smith seconded the motion. The motion passed 6-0. Alderman Vaught motioned to re-vote on the emergency clause from ordinance O-07-58. Alderman Grimes seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman

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Vaught, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion for the emergency clause passed 6-0.

**Adjournment**

There was no further discussion and the meeting was adjourned.

**PASSED this 22<sup>nd</sup> day of May 2007**

APPROVED:

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Mayor Tab Townsell

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City Clerk Michael O. Garrett