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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
June 12, 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 Hawkins, Alderman Bell Alderman Grimes, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Jones was not in attendance.

1. *Call to Order*
2. *Roll Call*
3. *Minutes: May 22<sup>nd</sup>, 2007*

Alderwoman Smith motioned to approve the May 22, 2007 minutes as submitted. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

4. *Recognition of Guests: None*
5. *Public Hearings: None*
6. *Report of Standing Committees:*

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

1. **Resolution setting a public hearing to discuss closing an alley South of Bruce Street in Block 70, Boulevard Addition, between Mitchell and Baridon Street.**

**R-07-10**

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. The public hearing will be held June 26, 2007 at 6:30 pm. There was no discussion. The motion passed 7-0.

2. **Resolution setting a public hearing to discuss closing certain alleys and street's (Robinson Avenue re-plat) in the vicinity of Conway Regional Medical Center.**

**R-07-11**

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. The public hearing will be held June 26, 2007 at 6:30 pm. There was no discussion. The motion passed 7-0.

- 3. Resolution setting a public hearing to discuss the closure and reduction of a utility easement located on Browne re-plat, being a re-plat of Lot 22-RA Museum Road re-plat (Hank's Fine Furniture).**

**R-07-12**

Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. The public hearing will be held June 26, 2007 at 6:30 pm. There was no discussion. The motion passed 7-0.

- 4. Ordinance rezoning vacant property located on the northeast corner of the intersection of Meadowlake and Donaghey Avenue from C-2 to PUD.**

**O-07-60**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Grimes seconded the motion. Kevin Watson, Watson Builders, was present to answer questions. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0. The five conditions set forth for this development are as follows:

1. The PUD shall be constructed as shown in the Land Use Plan and Final Development Plan.
2. Existing trees shall be protected and preserved when possible.
3. Buildings will require site plan review.
4. The final Development Plans shall reflect changes as noted concerning builder/developer definition, architectural standards/design review board, shared parking, parking numbers, and curb cuts to be approved by the Planning Director and/or the City Engineer.
5. The final pattern book shall be reviewed by the Planning staff and approved by the Planning Director.

5. **Consideration of a request for a building moving permit for a home presently located at 2201 Robinson Avenue to a proposed location at the southwest corner of Watkins & Weems addressed as 1117 Watkins Street.**

Alderman Hawkins motioned to approve the building moving permit. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

6. **Consideration of a conditional use permit for oil field (office) services for property located at 2955 Dave Ward Drive.**

Alderman Hawkins motioned to grant the conditional use permit. Alderman Bell seconded the motion. Alderwoman Smith asked what services this business will provide. Frank Shaw, Attorney at Law, stated they will painting and refurbishing oil field equipment and will be a low traffic business. There was no further discussion. The motion passed 7-0. The seven conditions set forth in this conditional use permit are as follows:

1. Lighting must be inward, downward, and shrouded.
2. No external sound system allowed.
3. Existing shrubs must be left in place.
4. Hours of operation are to be 8:00 am to 6:00 Monday through Friday and **infrequent** Saturday/Sunday and off hours.
5. Conditional use is limited to the existing building.
6. Oversight by the City Fire Marshall is required.
7. The existing road where it intersects Dave Ward Dr. is required to be graveled its full width of 25 feet for a distance southward of 30 feet.

7. **Consideration of a parking lot variance for property located at 2159 Prince Street at the southeast corner of the intersection of Prince St & Western Ave.**

Wendy Serio, Elan' Nails, was present to answer questions. Bryan Patrick, Planning Director, stated the applicants are trying to clean up prior conditional use permits and went onto say that this is more of an overlay variance than a parking lot variance. Alderwoman Smith motioned to approve the parking lot variance and the overlay variance. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 7-0.

8. **Consideration to approval the City Hall mural project.**

Alderman Bell motioned to approve the mural. Alderman Grimes seconded the motion. Alderman Grimes suggested that the tree (at the south end of city hall) not be moved or cut down until after the mural is complete. Mayor Townsell was in agreement. There was no further discussion. The motion passed 7-0.

**9. Consideration of bids for Guy Murphy Industrial Improvements for the Street Department.**

Ronnie Hall, City Engineer, stated the low bid was from J's Construction Co. for \$648,070.33 and he recommends the project be awarded to J's Construction. Alderwoman Smith motioned to accept the low bid. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

**10. Consideration of traffic calming devices for Columbia Drive in the Royal Oaks Subdivision.**

Ronnie Hall, City Engineer, stated traffic counts were conducted and stated the volume was 724 - 831 vehicles daily and scored below the City's threshold for the City to cover the costs of the calming devices. Mike Kershaw, Royal Oaks Subdivision Committee, asked for 2 speed bumps. Alderman Bell motioned to approve 2 speed bumps at the requested locations subject to funding from the neighborhood. (Columbia Dr & Dallas Loop and Columbia Dr. & Crawford Loop) Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

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

**1. Consideration of bids for a Hook-lift truck for Conway Sanitation Dept.**

Cheryl Harrington, Sanitation Director, stated the low bid received was from RDK for \$119,400.00 and they are allowing us \$12,000.00 for the trade in which leaves the total bid at \$107,400.00. Alderwoman Smith motioned to accept the low bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**2. Consideration of bids for equipment repairs for a D5 Dozer or possible purchase of a new dozer for the Conway Sanitation Dept.**

Cheryl Harrington, Sanitation Director, explained she feels that the bid is higher than what the dozer is worth and suggested purchasing a new dozer which would cost approximately \$130,000.00. Alderwoman Smith motioned

to purchase a new dozer; not repair the old one. Alderman Bell seconded the motion. Ms. Harrington stated they will bid the dozer and come back for approval to purchase. There was no further discussion. The motion passed 7-0.

**3. Consideration to “throw out” bids for a self contained compactor from the Conway Sanitation Dept.**

Cheryl Harrington, Sanitation Director, stated UCA’s compactor is down and in the past the City has bid for them; UCA in turn would reimburse the City. They felt that they would have funds in their budget to purchase a new compactor, but once the bids came they felt it would be more cost effective for them to repair the one they have and UCA wishes to have the bids on the compactor thrown out. Alderman Bell motioned to throw the bids out. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**4. Ordinance waiving bids for contracted services and entering into an agreement with Terracon Consultants in conjunction with the City Landfill testing.**

O-07-61

Cheryl Harrington, Sanitation Director, stated we have used this company for several years and they know our landfill; the \$23,014.00 is for a full year. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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 Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

**5. Consideration of bids for the Sports Photo Package for the Conway Parks Department.**

Brian Knopp, Parks Director, stated that School Portrait Group was the low bid at \$15.00 per package and recommends we accept the low bid. Alderman Bell motioned to accept the low bid. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

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Alderwoman Smith motioned to suspend the rules to move item 68-C “**Discussion of the City taking over First State Soccer Park**” up on the agenda. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

Mayor Townsell explained that the land for this City owned park was a gift and the City has paid for the extension/improvement of Trey Ln. that leads to the park, the water line extension, and the installation of the sewer pump station. The park improvements were paid for by a \$1.6 million dollar loan that First State Bank and Conway United Soccer Assn. signed off on which was ultimately transferred to First State Soccer Park Inc. which is a stand alone non-profit corporation. First State Soccer Park Inc. has been able to cover the costs of the operation with revenue from program fees, parking, and sponsorships, but they are unable to cover the interest expense on the bank note which was \$58,000.00; thus making them short over \$20,000.00 on their income statement; and the City did not cover that shortage. Mayor Townsell stated that because First State Soccer Park Inc. is under funded it causes the program fees to be high and we need to get these fees to be more comparable to other program fees within the City. Mayor Townsell went onto say that they are unable to make normal maintenance upgrades to keep the park in pristine condition. Mayor Townsell stated he would like a general endorsement from the council to take over the park and pay down the note substantially; approximately \$700,000.00 if the bond issue passes. There is no agreement yet but one is being drafted so to meet state law requirements. Alderman Vaught asked what amount the Mayor is looking at if the bond issue fails. Mayor Townsell stated that will have to be sorted out with legal council and is also dependent on what we can do financially in relation to Amendment 78. Alderman Vaught asked if we should hold this in committee until we know the outcome of the bond issue. Mayor Townsell stated he feels like we should take over the park regardless. Alderman Bell motioned to take over the maintenance and operations of First State Soccer Park Inc. pending legal requirements that will have to be met. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 7-0.

**6. Consideration to termination the Jazzercise Franchise Agreement with the Parks & Recreation Dept. for use of the McGee Center.**

Mayor Townsell stated this is necessary because more space is needed at Don Owens which in turn puts more pressure for meeting rooms on the McGee Center. Alderman Bell motioned to discontinue our affiliation with the Jazzercise as of July 31, 2007. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

7. **Ordinance appropriating funds for the renovation of the Don Owens Sport Center meeting room.**

**O-07-62**

Alderswoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderswoman Smith motioned to adopt the ordinance with the amendment of adding sprinkler heads (2 in each room) bringing the total up to \$28,000.00. Alderswoman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderswoman Smith, Alderman Bell, Alderswoman Whitmore, and Alderswoman Mehl. The motion passed 7-0.

8. **Consideration of a new position (Program Coordinator) for the Conway Parks & Recreation Department.**

Alderswoman Smith motioned to approve the position. Alderswoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

9. **Ordinance appropriating funds for the Program Coordinator position for the Conway Parks & Recreation Dept.**

**O-07-63**

Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 7-0. Alderswoman Smith motioned to adopt the ordinance and the emergency clause. Alderswoman Whitmore seconded the motion. Mayor Townsell stated that \$18,859.00 is for the remainder of 2007 and the annual cost is estimated to be \$40,000.00. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderswoman Smith, Alderman Bell, Alderswoman Whitmore, and Alderswoman Mehl. The motion passed 7-0.

10. **Consideration of additional personnel & equipment for the Conway Parks Dept.**

Brian Knopp, Parks Director, stated that after visiting with Neal Hart and various members of First State Soccer Park Inc. it was determined that

additional staff is needed to operate the park and other additional park land and he is requesting five positions, a Complex Manager, Ground Supervisor II, 2 grounds maintenance positions, and a Programs Marketing Manager. Mayor Townsell explained that the marketing position will oversee scheduling of practices, games and tournaments as well as marketing the park for other park programs. Mr. Knopp stated this also includes 750 hours of part-time for the remainder of the year. Alderwoman Smith motioned to consider the additional personnel and equipment. Mayor Townsell explained that when the City takes over the maintenance and operation of the soccer park all of the maintenance equipment etc. will become property of the City. Mr. Knopp stated he believes the balance due on the equipment is \$22,000.00; and stated the most needed items are a new truck and a utility trailer. Mr. Knopp explained he also included a lighting timer, by Musco Lighting, that can be accessed on-line or by cell phone and can turn the lights on or off at anytime. Mayor Townsell added that this is very important in that we can control the cost of the electric usage. Mr. Knopp stated that the soccer park, especially during season, is averaging between \$6,000.00 - \$7,000.00 a month in lighting and water, where as the sport centers average approximately \$3,700.00 monthly and YBMA averages \$4,000.00 monthly. Alderman Hawkins asked what the timer costs. Mr. Knopp stated this is for two, one for First State Soccer and one for Don Owens; the timers cost \$7,000.00 each, but since we are purchasing two, we are getting \$1,000.00 off, leaving the cost being \$6,500.00 each plus tax. Alderwoman Smith motioned to approve the five additional positions. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 7-0.

**11. Ordinance appropriating funds for additional personnel & equipment and waiving bid requirements for the lighting system for the Parks Department.**

**O-07-64**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. The discussion of this item occurred previously in agenda item 6B-10. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.



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

**1. Consideration of bids for an outdoor warning siren & an electric security gate for the CEOC.**

Lloyd Hartzell, IT Director, was present to answer questions. Mayor Townsell stated the recommendation is to award the bid to the low bidder, Harris Systems Group, for \$16,250.00 per siren. Alderwoman Smith motioned to accept the low bid. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

Mayor Townsell stated the recommendation is to award the bid to the low bidder, Legacy Fencing, Inc., for \$14,150.00. Alderwoman Smith motioned to accept the low bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**2. Ordinance appropriating funds for the purchase of an air conditioning unit for the RF site for the City of Conway.**

**O-07-65**

Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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 Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

**3. Ordinance appropriating revenue funds from the Arkansas State Police for child safety seats to the Conway Police Department.**

**O-07-66**

A.J. Gary, Chief of Police was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore 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 Hawkins,

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

**4. Ordinance appropriating asset forfeiture funds to purchase tasers for the Conway Police Department.**

**O-07-67**

A.J. Gary, Chief of Police, stated 25 tasers will cover a shift; the cost is approximately \$1,476.00 each and since the department uses "force policy" we selected tasers that have audio and built in camera systems which will make reviewing of incidents easier. Chief Gary went onto say that they would like to purchase 13 now and the remainder of the units as the Asset Forfeiture account is replenished. 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 Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

**7. Old Business**

**8. New Business**

**A. Ordinance appropriating funds to repair the entrance roof at City Hall.**

**O-07-68**

Mayor Townsell stated that each time we get heavy rainfall, debris falls from the ceiling and he recommends accepting a low quote from Covington for \$4,470.00 to repair the roof. Alderman Hawkins 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 and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

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**B. Consideration of the offer and acceptance for property located at 1013 Siebenmorgan Road.**

Mayor Townsell stated this is property owned by Timothy A. Freyaldenhoven; the offer and acceptance is for \$128,000.00. One condition is that Mr. Freyaldenhoven will be allowed to stay on the property until years end with no rent being due. Alderman Bell motioned to approve the offer. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**C. Discussion of the City taking over First State Park.**

Item moved up on the agenda.

**Adjournment**

There was no further discussion and the meeting was adjourned.

**PASSED this 12<sup>th</sup> day of June 2007**

APPROVED:

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Mayor Tab Townsell

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