

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Conway, Arkansas  
Tuesday 6:30 p.m.  
July 10, 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 Jones, Alderman Grimes, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

1. **Call to Order**
2. **Roll Call**
3. **Minutes:** *June 26<sup>th</sup>, 2007*

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

4. **Recognition of Guests: None**
5. **Public Hearings:**

*A. Public Hearing to discuss abandoning a portion of Topaz Drive in the Cresthaven Subdivision Phase II.*

Mayor Townsell opened the public hearing. Bobby French was present to answer questions. The Mayor closed the public hearing.

1. **Ordinance to abandon a portion of Topaz Drive in the Cresthaven Subdivision Phase II.**

**O-07-82**

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. Alderwoman Smith seconded the motion. Ronnie Hall, City Engineer, stated he feels this should not take affect until the plat is recorded because the turnaround is needed. Alderman Bell amended

his motion to remove the emergency clause and add section 4 to read **"This ordinance shall take effect upon the recording of the plat for Cresthaven Phase III"**. Alderwoman Smith was in agreement. 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, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

***B. Public hearing to discuss abandoning a power pole utility easement in Runway Park Subdivision, specifically lots 2A & 8.***

Mayor Townsell opened the public hearing. Fred Langford was present to answer questions. Mayor Townsell closed the public hearing.

**1. Ordinance abandoning a power pole utility easement in Runway Park Subdivision, specifically lots 2A & 8.**

**O-07-83**

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 Bell 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, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

***C. Public hearing to discuss an ordinance establishing an Improvement District at Hendrix.***

Mayor Townsell opened the public hearing. Scott Schalthorn, General Council & Vice President Hendrix College, explained they wish to create an improvement district to allow them to issue bonds to finance the construction of the infrastructure of phase I. Mayor Townsell closed the public hearing.

**1. Ordinance establishing the Village at Hendrix Municipal Property Owners of Multipurpose Improvement District No. 1.**

**O-07-84**

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl 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, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

***D. Public hearing to discuss an ordinance establishing and clarifying requirements for mobile ice cream vendors and other vehicles vending products to children.***

Mayor Townsell opened the public hearing. There was no one present to speak in regards to this issue. Mayor Townsell closed the public hearing.

**1. Ordinance establishing and clarifying requirements for mobile ice cream vendors and other vehicles vending products to children.**

**O-07-85**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Grimes motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion. Alderman Grimes asked if there would be a fee associated with the cost of the permit to cover any expenses. Michael Murphy, City Attorney, stated that has not been addressed, but can be done administratively upon the passage of the ordinance. Mayor Townsell the cost of the background check can be worked into the permit fee. Alderman Grimes asked if a decal will be made. Mayor Townsell stated yes. 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, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. 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. Resolution to set a public hearing to discuss closing a utility easement lying between Lots 2 and 5, Mauldin's Re-plat in the Conway Gardens Subdivision.**

Alderman Smith motioned to hold this item in committee. Alderman Bell seconded the motion. The motion passed 8-0.

- 2. Consideration of a request from SEAYCO for a variance to permit installation of canopy column on the sidewalk in front of the main entrance and a variance to permit use of parking spaces for a valet parking area for the Halter building renovation in Downtown Conway.**

Christopher Seay stated the main entrance is going to be widened and he would like approval to install columns to support a canopy. Mike Coats, Mike's Place, stated that downtown parking will be impacted once the other restaurant is opened and stated they would like to use a couple parking areas for valet parking which would allow them to move cars out of downtown to another location. Alderman Smith motioned to approve the variances. Alderman Whitmore seconded the motion. Mayor Townsell stated that in the event that this area becomes a loading dock of sorts, we should hold the right to assign a value to it should the city decide to initiate a long term parking scenario. Alderman Smith and Alderman Whitmore were in agreement. Alderman Grimes asked if the parking areas would be reserved forever. Mayor Townsell stated that the variance pertaining to the 2 parking areas can be tied to Michelangelo's or successor; as long as it is a restaurant only. Mayor Townsell asked if the valet parking is only for the restaurant. Mr. Seay stated the valet parking will be an interim measure until the downtown parking situation is addressed with a complete plan. Mr. Seay went onto say they do not want to be in position where parking will be a problem during the day hours, and the valet will be used mostly during lunchtime and early evening hours. Mayor Townsell stated the condition pertaining to the parking areas will need to be added to the variance. Mr. Seay clarified he does foresee other tenants making use of the parking areas. Alderman Grimes asked if the cap on the night time hour should be removed. Mr. Seay stated the main time frame that should be identified is the lunchtime hours and then after 5:30 p.m. Alderman Smith and Alderman

Whitmore were in agreement. There was no further discussion. Mayor Townsell explained the variances are for the canopy columns to be no more than 2 feet from the curb and the 2 parking areas will be used as valet from 11:30 am to 1:30 pm and from 5:30 pm on; to be tied to the restaurant; and will possibly be subject to an annual fee. There was no further discussion. The motion passed 8-0.

**3. Consideration of funding for sidewalk project along Favre Lane between Southwind Subdivision and Ellen Smith School.**

Ronnie Hall, City Engineer, stated that the developer of Southwind will build a sidewalk adjacent to that subdivision and the city would like to connect the Southwind sidewalk with Ellen Smith School. The cost is approximately \$38,000.00. Alderman Bell motioned to approve the project. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 8-0.

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

**1. Ordinance accepting and appropriating grant proceeds award to the Sanitation Department from ADEQ for e-waste activities.**

**O-07-86**

Alderman Bell 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. 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, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

**2. Consideration of bids for Office renovation at the Don Owens Sports Complex for the Parks & Recreation Department.**

Mayor Townsell stated the department is requesting to accept the low bid from Fore Construction for \$16,970.00. Alderwoman Smith motioned to accept the low bid. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

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

**1. Ordinance clarifying procedures and permit requirements and providing for third party review of fire code requirements for building construction.**

Bart Castleberry, Fire Chief, explained briefly the intent of the proposed ordinance and would like to re-write it to narrow the scope. Alderman Bell motioned to pull the item from the agenda. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**2. Resolution authorizing the Mayor to enter into an agreement of understanding with the Conway Fire Department and the Faulkner County Office of Emergency Management in regards to emergency assistance to each other.**

**R-07-17**

Bart Castleberry, Fire Chief, explained this goes back to the Homeland Security Grant the city received in 2004; since the equipment was purchased through the county as the grant mandated, and in order for us to do this we were required to sign a letter of agreement with Faulkner County that states we the city will respond to counties bordering Faulkner County should they have an emergency/disaster. This allows the city to fall under the counties insurance. Alderman Bell motioned to adopt the resolution. Alderwoman Bell seconded the motion. There was no discussion. The motion passed 8-0.

**7. Old Business**

**A. Discussion of Conway Downtown long term parking district & rates.**

Mayor Townsell proposed taking this issue to a public hearing. Alderwoman Smith motioned to hold the public hearing Tuesday July 31, 2007 at 6:30 pm. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

**8. New Business**

**A. Consideration of an agreement for the City of Conway to assume responsibilities of First State Soccer Park.**

Mayor Townsell explained this agreement is between the city and First State Bank which will continue to pay \$20,000 yearly toward the operation of the park, which was part of a previous agreement that will go on for another 5 - 6

years; after that point it will become a city park. Alderman Bell asked if we would also be directors of the programs. Mayor Townsell stated that CUSA, which will be succeeded by Arkansas Rush, will run the programs and a subsequent agreement will need to be made to initiate a field rental policy which will allow us to capture maintenance fees. Michael Murphy explained this draft takes CUSA and First State Soccer Park out of any and all control of running the programs. Mayor Townsell stated this agreement would become effective August 1, 2007. Alderwoman Smith motioned to enter into the agreement. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

**B. Update of Street & Park Impact fee capital plan.**

**R-07-18**

Mayor Townsell explained some of the street projects that were adopted as capital plans in July 2003 have been completed and are in line to pursue. On the capital plan for streets we added 3 roads; Tyler St., Siebenmorgan Rd. which has been completed, and Salem Rd. The Museum Rd connection to Bob Courtway has been scratched as it would have ran through the new softball park. Mayor Townsell stated they would like to add 2 items to the parks capital plan; the soccer park and the lease hold improvements at \$1.68 million and a downtown special events pavilion. Mayor Townsell asked for approval to get RFP's from architects to look at the pavilion, which is not a committal. Alderman Bell motioned to proceed with RFP's. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0. Alderwoman Smith motioned to adopt the resolution. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

**Adjournment**

There was no further discussion and the meeting was adjourned.

**PASSED this 10<sup>th</sup> day of July 2007**

APPROVED:

\_\_\_\_\_  
Mayor Tab Townsell

\_\_\_\_\_

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

City Clerk Michael O. Garrett