
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
January 22, 2008

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, Alderman Hawkins, Alderman Jones, Alderwoman Mehl, Alderman Bell, Alderwoman Whitmore, and Alderman Grimes. 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:* January 8, 2008

Alderwoman Smith motioned to approve the January 8, 2008 minutes as submitted. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests:* Employee Service Award

5 Yrs. – Jonathan Arnold – Fire Dept.
10 Yrs. – Officer Sherri Durham – Police Dept.
 Officer Ronnie Stephens – Police Dept.
 Officer Joseph Rowe – Police Dept.
25 Yrs. – Russell “Jack” Roberts – District Court Judge

Mayor Townsell read the State of the City address to the City Council.

5. *Public Hearings:* None

6. *Report of Standing Committees:*

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

1. **Ordinance appropriating fund to use for streetscaping in Downtown Conway.**

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

2. Consideration to enter into contract with the Downtown Partnership for streetscaping throughout Downtown.

Mayor Townsell stated that this is a contract that will allow the Downtown Partnership to run the streetscape program. Aldерman Bell motioned to enter into the contract with Downtown Partnership. Aldерwoman Smith seconded the motion. There was no discussion. 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 on the issuance of bonds for Hendrix College Projects.

R-08-02

Jack Trumper, Stephens Inc., stated that the time of the public hearing should be for 6:30 p.m. instead of 6:00 p.m. Aldерwoman Mehl stated the date is also wrong and should be Tuesday February 12, 2008. Aldерman Bell motioned to adopt the resolution as amended changing the public hearing to Feb. 12, 2008 at 6:30 p.m. Aldерwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance to rezone property located at 1910 Bruce Street from R-2A to MF-2.

O-08-10

Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерman Bell seconded the motion. The motion passed 8-0. Aldерman Hawkins motioned to adopt the ordinance. Aldерman Bell seconded the

motion. Randall Davis, property owner 1910 Bruce St., stated he would like to build a single story 4-plex unit, with each unit being one bedroom. Carl & Anita Reddig, 1909 Bruce St., spoke against the rezoning and explained that 2 ½ pages of petitions have been signed against this request. Mr. Reddig feels this rezoning will increase the density, increase traffic flow, and negatively affect the property value of his home. Scott McGarrell, 218 Baridon, Ken Fairless, 321 Mitchell, Jimmy Bryant, 1836 Bruce St., Sarah Bryan, 1704 Mill St., and Christine Mayo, 1827 Bruce St., all spoke in opposition of the rezoning. Alderman Hawkins asked Bryan Patrick, Planning Director, if this property is large enough to build a duplex on. Mr. Patrick stated no, R2-A would require a 100 ft. wide lot; this lot is only 85 ft. wide. There was no further discussion. The motion failed 0-8 due to lack of support.

3. Consideration of a conditional use permit for “eating place with drive through” for property located at 550 Salem Road, north of Arvest Bank and South of Simmons First National Bank.

Alderwoman Smith asked Bryan Patrick, Planning Director, why the Planning Commission denied this request. Mr. Patrick stated that staff recommendation was to have a right-in, right-out only. Bill Adkisson, Attorney at Law representing Nabholz Properties, stated the proposed restaurant would need a full access entrance and exit and would like to capitalize on the drive by traffic. Tom Gordon, President; Slim Chickens, stated he does not anticipate an increase in traffic flow and feels the location would draw approximately 300 visits daily. Mr. Gordon explained they would move the entrance to the north side of the property or keep the entrance as is and add a right-out only exit. Alderman Bell stated he is inclined to approve this but feels some conditions need to be added. Mayor Townsell asked Mr. Patrick what our design standards mandate regarding the drive-way. Mr. Patrick stated we should try to get 250 ft. between drive-ways and curb cuts. Alderman Hawkins asked Mr. Gordon if he would object to cross access with Arvest Bank. Mr. Gordon stated no. Alderman Bell motioned to approve the conditional use permit. Alderwoman Whitmore seconded the motion. Alderwoman Smith asked the hours of operation. Mr. Gordon stated 10:30 a.m. to 10:00 p.m. Ronnie Hall, City Engineer, suggested giving the northern most drive-way full access and the south drive-way right-in/right-out only to distance the curb cut further away from the Salem Rd/College Ave. intersection. Mr. Gordon explained if the drives are left as is per the plat provided, with the right-in/right-out on the south side of the building, he would gladly create a right-out only on the north side of the property. Alderman Bell

amended his motion to add a condition to add a right-out only drive-way on the north side of the property. Alderwoman Whitmore was in agreement. There was no further discussion. The motion passed 8-0. Hervey Galloway, property owner, (land behind Simmons Bank), spoke in opposition of the drive-thru window as it makes the most significant impact on the traffic in the area. Mayor Townsell asked if the council would like to reconsider the vote. No council members wished to reconsider the vote.

Alderman Grimes exited the meeting.

4. Consideration of a request from Park Ridge Subdivision to prepay impact fees to be used for the reconstruction of Rumker Road.

Mayor Townsell stated he received a letter from Rich-Smith Development requesting to pre-pay the impact fees for streets to re-build Rumker Rd. to a 36 ft. wide curb and gutter up to the east property line of the site or to the limit of said impact fees. An unnamed individual representing Rich-Smith development explained that Rumker Rd. is more than a gravel road and the development is not proposing any drives from the apartment complex other than prior access and explained the planning commission had some concerns on traffic circulation in the area and asked them to pursue this. It was explained that they are willing to pay the full amount of impact fees for the entire planned 264 units which would be \$203,000; only 48 units are immediately being planned. They want to extend Rumker Rd. at least up to Woodside Dr. which is approximately 600 ft. Alderman Bell asked if we would deny this to have more flexibility on where to use impact fee funds. Mayor Townsell stated yes; explaining the city should decide what roads to improve. Keith Richardson, Rich-Smith Development, stated they are only building 48 units to start and the city would only collect \$32,000 in impact fees; by approving this request the city would collect the entire \$203,000 now. Alderman Bell motioned to deny the request. Alderwoman Mehl seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 5-2. Alderman Vaught and Alderman Hawkins voted in opposition.

5. **Resolution authorizing the merging of the planning and Permit Dept. into a single department to be named the Planning and Development Department.**

R-08-03

Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. Mayor Townsell explained these two departments are continually intertwined and feels it is better to integrate these departments under one department head which will be Bryan Patrick. Alderwoman Whitmore stated the wording *“January 28, 2007 should be changed to January 28, 2008”* in section one of the ordinance. There was no discussion. The motion passed 7-0.

6. **Consideration of a salary adjustment for the Planning & Development Director.**

Mayor Townsell proposed raising the salary for the Planning & Development Director from \$60,000 to \$70,000. Alderman Hawkins motioned to approve the increase of the salary. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

7. **Ordinance accepting donated funds for the Street Department for traffic signal box repairs.**

O-08-11

Mayor Townsell stated the estimated repairs are \$6,392. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Jones 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 Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

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

1. **Consideration of an appointment as Interim Director on The Faulkner County Solid Waste Board for Sanitation Director, Cheryl Harrington.**

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

2. Consideration of bids for 40 yard roll-off containers for the Conway Sanitation Dept.

Cheryl Harrington, Sanitation Director, was present to answer questions. Mayor Townsell stated the low bidder met and exceeded all specifications and the recommendation is to award the bid to Northeast Industrial Mfg, Inc. in the amount of \$4,309.25 each. Alderman Bell motioned to accept the low bid. Alderwoman Smith seconded the motion. Ms. Harrington stated the amount should be a maximum \$4,503.00 each. Alderman Jones asked how many containers will be purchased. Ms. Harrington stated nine, but it would be beneficial to the city if we purchased three more due to the cost of shipping. There was no further discussion. The motion passed 7-0.

3. Resolution designating a Construction Manager/General Contractor for the Girls Softball/Boys Baseball complexes.

R-08-04

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

4. Resolution naming the gazebo at Liberty Gardens in Laurel Park.

R-08-05

Mayor Townsell stated this will name the gazebo at Liberty Gardens in Laurel Park to Charlotte Nabholz Gazebo. This was requested by several individuals from Keep Faulkner County Beautiful and the Master Gardeners. Ms. Nabholz was the driving force behind the development, funding, and construction of Liberty Gardens. Mayor Townsell stated the word "*pavilion*" should be changed to "*gazebo*" in section one of the resolution. Alderman Bell motioned to adopt the resolution. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Ordinance waiving bids for the purchase of vehicle exhaust system for the Conway Fire Department.

O-08-12

Bart Castleberry, Fire Chief, was present to answer questions. Mayor Townsell stated this will allow us to utilize Plymovent as a single source vendor. 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. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

2. Ordinance authorizing a change in staffing levels and appropriating funds for District Court.

O-08-13

Mayor Townsell stated we are combining two part-time positions into one full-time position. 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. Alderwoman Whitmore stated that the amount listed should be less if you pro-rate the salary from the start date; the salary listed is based on a one year salary. Mayor Townsell was in agreement. Alderwoman Whitmore stated the ordinance could be changed to say "*by up to*" the determined amount. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

3. Resolution authorizing the splitting of the CEOC into an Information Technology Department and integrating the 911/Dispatch operations into the Police Department.

R-08-06

Mayor Townsell stated we felt it would be best to put CEOC back into the police department; we have also created a Department of Information Technology which will be headed by Lloyd Hartzell. Alderman Bell motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0. Alderman Hawkins was not present for the vote.

7. *Old Business*

8. *New Business*

A. Consideration of a request by Kervin Hinton for a franchise permit to operate a taxi cab.

Kervin Hinton stated he has a medical transportation service out of Little Rock and would like to expand into a taxi service. Mayor Townsell asked if approved when the service would begin. Mr. Hinton stated within the next month. Mayor Townsell asked if there would only be one vehicle. Mr. Hinton stated there would be two vehicles. Alderwoman Whitmore asked if proof of insurance is the same as a certificate of insurance. Alderman Hawkins stated no, and would like him to supply verification of coverage through a certificate. Alderwoman Bell asked how we make sure they keep their insurance up to date. Alderman Hawkins stated one could be listed as a loss payee on the policy and the insurance company would notify you if the insurance coverage lapses. Mayor Townsell suggested holding this in committee for a month to make sure we have all the required paperwork. Alderwoman Smith motioned to hold this item in committee for one month. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

B. Consideration of entering into an agreement with Crafton, Tull, & Sparks Engineering for a structural condition assessment of Conway City Hall roof.

Mayor Townsell explained this will allow for a structural assessment of the roof of city hall that will cover a variety of purposes; this assessment will cost \$3,500. Alderman Bell motioned to enter into the agreement. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

C. Consideration of entering into an agreement with ENG (Energy Systems Group) for a feasibility analysis for the City of Conway.

Mayor Townsell briefly explained this agreement and stated this will be at no cost to the city. Alderman Hawkins motioned to enter into the agreement. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

D. Ordinance appropriating funds for a vehicle purchase for the Conway Administration Dept.

O-08-14

Mayor Townsell explained city hall has a need for a fleet vehicle; we have one hybrid vehicle and wish to purchase another. The amount is not to exceed \$28,000. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0. Alderman Vaught motioned to add an emergency clause in order to capture the rebate if purchased before Feb. 4, 2008. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

E. Ordinance amending and supplementing Ordinance O-03-168 providing for procedures for municipal candidates to file nominating petitions.

O-08-15

Mayor Townsell explained this will amend O-03-168 that sets the nomination petition time for the municipal elections; the sign up time frame is still April - May. 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 discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

Adjournment

PASSED this 22nd day of January 2008

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett