
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
November 25, 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; Alderman Hawkins, Alderwoman Smith, Alderman Jones, Alderman Vaught, Alderman Thompson, Alderwoman Mehl, 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: November 14th & November 18th, 2008*

Alderwoman Smith motioned to approve the November 14th, 2008 and the November 18, 2008 minutes as submitted. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests: Employee Service Awards*

5 Years

Paul Young - Planning & Development/Permits & Inspections
Lisa Mabry-Williams - Human Resource Director

10 Years

Lt. Larry Hearn - Police Dept.

20 Years

Lt. Bob Berry - Police Dept.

5. *Public Hearings:*

- A. *Public hearing to discuss the issuance of franchise fee revenue bonds for Hewlett Packard.*

Mayor Townsell opened the public hearing. Gordon Wilbourn, Kutak Rock, serving as the City's bond counsel, explained that the purchase option that Conway Development Corp. (CDC) will have and could be exercised by Hewlett Packard (HP) under their sublease includes, as a portion of the price, any monies put into the project by the city. If this property was ever purchased by HP or CDC the city would be reimbursed \$2.2 million. Mayor Townsell closed the public hearing.

Alderman Hawkins 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 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, Alderman Thompson, Alderwoman Smith, 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. Consideration of nominations from the Oak Grove Cemetery Board & Planning Commission to fill vacant positions on each board.

Terry Sossong, nominating committee chair for the Planning Commission, and Chris Spatz, Oak Grove Cemetery Board, were present to answer questions. Alderman Hawkins stated the following terms have been selected for the above mentioned boards:

Oak Grove Cemetery Board

Sue Siria - 5 yr term
Pat Thessing - 5 yr term

Planning Commission

Jeff Sturdivant - 5 yr term
Chris Steplock - 5 yr term
Richard G. Kirkman - 2 yr term

Alderman Hawkins motioned to approve all the nominations. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

2. Resolution to enter into a five year extension of the inter-local agreement for ambulance service with MEMS.

R-08-45

John Swanson, MEMS Director, was present to answer questions. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

3. Ordinance to annex certain lands which have been completely surrounded by the incorporated limits of the City of Conway:

O-08-145

Alderman Hawkins explained that all 5 tracts of land are in one ordinance and the lands are listed below. 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. 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, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

1. Lands west of east German Lane and north of East Siebenmorgen Road.
2. Lands south of Bill Lucy Road. 225 feet of Trison Road and 330 feet of east Siebenmorgen Road.
3. Lands east of Makenna Cove Subdivision, south of Lower Ridge Road, west of East German Lane, and north of Bill Lucy Road.
4. Lands west of Mill Pond Road and east and south of Cresthaven Subdivision.
5. Lands west and north of South Donaghey Avenue, South of Spring Valley and Justin Place subdivisions and East of South Salem Road.

4. Ordinance to rezone property located at 800 South Harkrider to C-3 to I-3.

O-08-146

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Bobby French, 1000 Front St., stated this property is owned by Conway Corp. and they were re-platting and wished to make all their land I-3. 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, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

5. Ordinance to rezone property located on the northwest corner of intersection of South Donaghey Ave and Moix Blvd from O-1 to MF-3.

Alderwoman Whitmore 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. Alderman Thompson seconded the motion. Gene Salter, 2915 St. Charles, stated this tract of land is owned by approximately 15 property owners and the intent is to construct apartments on

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the land. Mr. Salter gave a brief synopsis of the plan and the steps taken to meet all requirements. Rhonda Edwards, 1005 Summerwood, spoke in opposition to the proposed rezoning due to traffic concerns. Johnny Lewis, 2555 Brumer Ln., spoke in opposition to the proposed rezoning due to traffic concerns and asks that this be put on hold until we are assured that the traffic problems on Donaghey are addressed. Ronnie Hall, City Engineer, stated he and the Mayor would prefer to make a 4 lane improvement back south to Moix Blvd. Jim Edwards, 1005 Summerwood, spoke in opposition of the proposed rezoning and stated he is concerned if this goes through what he would do with his 3 lots across the street. Roger Lewis, 1935 Amos Dr., explained he would like to see this rezoning delayed until the road improvements are completed. Glenn Hogue, 1115 Charlotte Circle, spoke in opposition of the proposed rezoning. Alderman Thompson motioned to hold this item in committee until we can find out if funding is available for the road improvements needed. Alderwoman Smith seconded the motion. There was no further discussion. The motion failed 5-3. Mayor Townsell explained that we could pull back on the Museum Rd. improvements in order to get the money needed to complete the South Donaghey improvements. Council concurred that they would like to do whatever it takes to get these improvements going as soon as possible. Mr. Salter stated he is not against the improvements but asks that council doesn't delay his project as he feels they could be completed simultaneously. There was discussion among council as to how to proceed. Alderwoman Smith motioned to hold this item in committee. Alderman Mehl seconded the motion. The motion passed 7-1. Alderman Jones voted in opposition. Raymond Kerr, 2045 Springwood, suggested that the city consider making the left turn lane into South Donaghey longer than it is to reduce a bottle neck effect.

6. Ordinance to rezone property located at 2730 Dave Ward Drive from RMH to MF-1.

O-08-132

Frank Shaw, Attorney at Law, stated there is nothing new to discuss as far as the proposed plan of Campus Crest but felt it is necessary to address concerns of the audience, Mr. Shaw explained that the land is already zoned to allow the construction of apartments but the apartments would not include the amenities, on site security, and have no fence. Bryan Patrick, Planning & Development Director, explained what could be done with the property as is. Cinnamon King, Whitney Wood's resident, spoke in opposition of the proposed rezoning. Quentin Washispack, 2820 Anna Ln., spoke in opposition of the proposed rezoning with the concerns of increased traffic flow, the height of the proposed development, and the possibility of increased crime. Jim Looney, 440 Whitney Wood's Rd., spoke in opposition to the proposed rezoning. George Cossey, 420 Whitney Wood's, spoke in opposition of the proposed rezoning and cited numerous incidences that have occurred at The Grove located in Jonesboro since its opening in August 2008. Teresa Darling, Marguerite Vann School crossing

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guard, stated she sees firsthand how dangerous the traffic is in the area of the schools and is against the proposed rezoning. Maureen Martindale, 2425 Louise Ln., spoke in opposition to the proposed rezoning as she is concerned about safety issues and property values. David Stern, Conway resident, spoke in opposition of the proposed rezoning. John Custer, Saddletop Subdivision, spoke in opposition of the proposed rezoning as he is also concerned about property values and traffic congestion. Mr. Shaw addressed the council and the public and summarized his opinion of the pros of the proposed development. Alderman Thompson motioned to waive the remaining 2 readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Thompson motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Council members spoke in regards to their thoughts on the development and explained the way they were going to vote. Alderman Thompson called a question. The questions was voted down. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 5-4 with the Mayor voting with the majority. Alderman Jones, Alderman Grimes, Alderwoman Whitmore, and Alderwoman Smith voted in opposition.

7. Consideration of a conditional use permit to allow MF-2 density for property located at 2730 Dave Ward Drive.

Alderman Hawkins motioned to allow the conditional use permit. Alderman Thompson seconded the motion. Jim Looney, 440 Whitney Wood's Rd., spoke in opposition of the conditional use request. Cinnamon King, Whitney Wood's resident, spoke in opposition of the conditional use request. Matt Hagenlocker, 2045 Patricia Ln., stated that something will be built in this area and feels this is could be the best thing. Alderman Thompson asked if this conditional use is a deal breaker. Frank Shaw, Attorney at Law, stated yes. There was no further discussion. The motion passed 5-4 with the Mayor voting with the majority. Alderman Jones, Alderman Grimes, Alderwoman Whitmore, and Alderwoman Smith voted in opposition. The conditions are listed below:

- Site to be developed basically in accordance with submitted site plan.
- Maximum number of units not to exceed 180.
- Maximum number of bedrooms not to exceed 504.
- Total parking spaces may exceed parking maximums.
- Maximum number of parking spaces not to exceed 539.
- Tree Preservation Plan - Removal of any tree(s) that are eight (8) inches or more in diameter and the required addition of trees in the Dave Ward Drive median require approval from the city's Director of Planning & Development.

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- Walking trail/pedestrian path along Dave Ward Drive must be as presented.

8. Consideration of approval for a traffic signal light at Highway 65B & Sanders Drive (Old Village Inn location)

Mayor Townsell explained that the city supports putting a traffic signal in this area somewhere and asks the council to show their support of signalization to the Arkansas Highway Dept. with a preference to the northern interchange. Scott Schalhorn, Vice President and General Council to Hendrix College, explained Hendrix has an opportunity to bring an existing office project to the northern end of their land, north of the wellness center, that would expand their employment base to approximately 500 employees; the college would retain architectural control and site plan control so it would fit into Hendrix Village. This unnamed entity is asking that a northern access to Hendrix's northern property line be gained and would prefer a turn signal be installed at Highway 65 preferably at Sanders Dr. or O'Bryant. Mr. Schalhorn stated a traffic study has been completed and stated that a traffic signal would be supported and appropriate at the intersection of Highway 65 and Sanders Dr. and asks the city to show their support of this signalization to the Highway Dept. Greg Simmons, Peters & Associates, explained that after the traffic study analysis that he believes a signal at Sanders Dr. would work quite well. Alderman Thompson motioned that the city council requests that a traffic signal be installed at Highway 65 and Sanders Dr. and an alternate, less acceptable location would be Highway 65 and O'Bryant. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 8-0.

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

1. Consideration to authorize payment for work related to the Special Event Pavilion.

Mayor Townsell explained that the cost to date is \$21,727.20. Alderwoman Smith motioned to authorize payment. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

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

1. Consideration to accept bids for duty weapons for the Conway Police Department.

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell stated after the trade in allowance the cost is \$8,965.39. Alderwoman Smith

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motioned to accept the bid from Cruse Uniforms & Equipment. Alderman Jones seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration to authorize the reclassification of several positions within the CEOC.

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell stated this would give us a lead telecommunicator and pays it according to the responsibilities. Alderwoman Smith motioned to authorize this request. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

3. Ordinance waiving bids for the purchase of Holmatro Rescue Equipment for the CFD.

O-08-147

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

4. Ordinance to authorize personnel changes within the Conway Fire Department.

O-08-148

Bart Castleberry, Fire Chief, was present to answer questions. Mayor Townsell stated this will allow the Fire Dept. to staff up the number of individuals on our fire trucks which would involve taking 2 pieces of equipment out of service and with the savings that is now being paid as overtime the Fire Dept. will be able to hire 7 additional individuals while keeping the budget neutral in terms of cost. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. 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, Alderman Thompson, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

7. Old Business

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8. *New Business*

- A. *Consideration to accept an additional two year of health club membership from Extreme Fitness for City employees & retirees.***

Mayor Townsell stated this is the third year that Extreme Fitness has offered this to the city at no cost. Alderman Jones motioned to approve the membership agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- B. *Consideration to move the December 23rd, 2008 City Council meeting to an alternative date.***

Alderman Jones motioned to move the Dec. 23, 2008 council meeting to Tuesday Dec. 16, 2008. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

Adjournment

PASSED this 25th day of November 2008

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett