
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
May 27, 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 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. Alderman Hawkins was not in attendance

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* May 13, 2008 & May 23, 2008

Alderwoman Whitmore motioned to approve the May 13, 2008 and May 23, 2008 minutes as submitted. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

4. *Recognition of Guests:* Employee Service Awards

5 yrs of service

Shona Osborne - Animal Welfare Mgr.
Adwinna French - Telecommunicator
Cheryl Harrington - Sanitation Director
Jeremy Harbin - Sanitation Recycling Mgr.

10 yrs of service:

Virginia Dodgen - Deputy District Court Clerk
Elton Dillard - Sanitation Dept.

15 yrs of service:

David Berry - School Resource Officer

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

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

- 1. Resolution setting a public hearing for the purpose of receiving comments and questions on a proposed water rate and a reduction in broadband internet rates for Conway Corporation.**

R-08-16

Richie Arnold, Conway Corp., was present to answer questions. Alderman Bell motioned to adopt the resolution setting the public hearing for Tuesday June 10, 2008 at 6:30 pm. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

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

- 1. Resolution setting a public hearing to discuss changing the street name of Rea Drive to Woodside Drive.**

R-08-17

Alderwoman Smith motioned to adopt the resolution setting the public hearing for Tuesday June 10, 2008 at 6:30 pm. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

- 2. Ordinance amending section 11.36.01 of the Conway Municipal Code to adopt the State Board of Health of Arkansas 2006 edition of the gas codes.**

O-08-59

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Bryan Patrick, Planning & Development Director, explained this will allow the city to be up to date with the gas, plumbing, and electrical codes that the state has already adopted. 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 Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

- 3. Ordinance amending section 11.36.01 of the Conway Municipal Code to adopt the State Board of Health of Arkansas 2006 edition of the plumbing codes.**

O-08-60

Aldерwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Aldерwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Vaught, Aldерwoman Smith, Alderman Bell, Alderman Jones, Aldерwoman Whitmore, and Aldерwoman Mehl. The motion passed 7-0.

- 4. Ordinance amending section 11.04.01 & 11.04.25 of the Conway Municipal Code for the adoption of the 2008 edition of the electrical codes.**

O-08-61

Aldерwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Aldерwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Vaught, Aldерwoman Smith, Alderman Bell, Alderman Jones, Aldерwoman Whitmore, and Aldерwoman Mehl. The motion passed 7-0.

- 5. Ordinance accepting grant proceeds and appropriating funds for the Historic District Commission to attend a conference in New Orleans, LA.**

O-08-62

Alderman Bell motioned to waive the readings of the ordinance. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Aldерwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Vaught,

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

6. Consideration to authorize the City to purchase street right of way for the Salem Rd extension to US 64.

Ronnie Hall, City Engineer, stated this allows us to make an offer on the right of ways needed. Alderman Bell motioned to authorize Mayor Townsell and the city attorney to make the offers for the right of ways. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

7. Ordinance to rezone property located at 1500 East Dave Ward Drive from A-1 to I-1.

O-08-63

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

8. Ordinance to rezone property located at 2503 West Martin Street from R-2 to MF-3.

O-08-64

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. Alderman Bell motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderman Bell asked what the plans are for this site. Bill Adkisson, Attorney at Law representing the applicants, Roy and Eric Massey, stated they wish to build two story apartments at this location. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

9. Ordinance to rezone property located at 2001 Washington Ave from O-2 to O-3.

O-08-65

Bryan Patrick, Planning & Development Director, was present to answer questions. Alderman Bell 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. 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 Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

10. Consideration of an amendment to the Scherman Heights PUD to allow five (5) drive up positions for ordering meals installed in the parking lot on the east side of the building at the property located at 705 Club Ln.

Jim Rankin, 1301 Main St., explained that Renee' Hill, owner Tropical Smoothie Café, wishes to install drive up ordering stations that is similar to what a Sonic has but with an upscale look. Alderwoman Smith motioned to grant the request. Alderwoman Whitmore seconded the motion. The motion passed 7-0. The conditions are as follows.

- 1) Limited to drive-up ordering stations. No drive-through window.
- 2) No more than five ordering stations are allowed.
- 3) Ordering station locations must be as presented - on the east side of the retail structure.

11. Consideration of a conditional use permit to allow religious activity (campus ministry) for property located at 1950 South Blvd.

Alderman Bell motioned to approve this conditional use. Alderwoman Smith seconded the motion. William Sting stated that Meadowlake Baptist Church wishes to use this house for its student ministry. Mayor Townsell stated this house is next to what is becoming a residential area that if any major changes were made it would retain its residential style and asked if the school would mind having that as a condition. Calvin Richardson, Director MBSF House, stated current plans are to remodel the interior to accommodate larger group meeting area; if at some point we outgrow the site we would come back before the council to seek approval for altering the structure. Alderman Bell motioned to amend his motion

to add a condition that states "that any change to the external structure will be approved by city council". Alderwoman Smith was in agreement with the amendment. There was no further discussion. The motion passed 7-0. The conditions are as follows:

- 1) Campus security will be permitted to visit the facility at any time.
- 2) Conditional use is valid for Missionary Baptist Student Fellowship (MBSF) only operating under the auspices of property owner Meadowlake Baptist Church.
- 3) Any external structure change would have to be approved by city council.

12. Consideration of a conditional use permit to allow church and religious activity for property located at 1550 East Dave Ward Dr.

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

13. Consideration of a conditional use permit to allow 18 dwelling units C-3 zoning for property located at 810 Hogan Ln.

Hal Crafton, Rush-Hal Properties, briefly explained the details of the project. Alderman Bell motioned to approve the conditional use permit. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The conditions are as follows:

- 1) Eighteen (18) apartment units maximum allowed.
- 2) Structure must be constructed generally as presented.

14. Consideration of a conditional use permit to allow special events at the bed and breakfast for property located at 1912 Caldwell St.

Alderwoman Smith motioned to approve the conditional use permit with the two (2) conditions. Alderman Bell seconded the motion. Joanne Stevens, applicant, was present to answer questions. Bryan Patrick, Planning & Development Director, stated for clarification the intent of the condition regarding allowing the external sound system was to allow for entertainment purposes at wedding receptions etc. Alderman Bell proposed wording condition number one (1) differently. Alderwoman Whitmore asked if under the conditional use permit it prohibits any external sound system. Mr. Patrick stated that is correct. Alderwoman

Mehl asked if there is a big event where would the parking area be. Ms. Stevens stated this was discussed at the planning commission meeting and stated parking would be behind her house and on the streets and the back streets. Alderwoman Mehl stated that parking on the streets could pose a potential problem. Ms. Stevens stated at one large event she held there were 300 guests and they parked primarily in the schools parking lot; she has spoken with the school's principal and he would be opposed if she had an event that interfered with a faculty day at the school. Ms. Stevens went onto say that she has also spoken with the neighboring church and they would allow her to use their parking lot as long as it does not conflict with their activities. Alderwoman Mehl asked if Ms. Stevens is willing to contact the school and the church prior to an event. Ms. Stevens stated she is willing to do that. Mayor Townsell explained he has concerns on having an Agora type facility in a residential neighborhood and that we should use caution in doing so. Alderman Bell motioned to amend his motion to add a condition that will make this conditional use valid for a period of one (1) year from this date to be reviewed at that time. Alderwoman Smith seconded the motion. John Workman, 920 Mitchell St., explained he is thrilled with the job Ms. Stevens has done with the renovations of the Bed & Breakfast and he was informed by Ms. Mitchell about this request and is concerned about the serving of alcoholic beverages in an area next to a church and a school, he is also concerned with what a special events facility could do to the area. Alderman Vaught asked if we could prohibit the serving of alcohol. Michael Murphy, City Attorney, stated yes since this location has a commercial purpose you could place a condition on it as far as the location and its proximity to schools and churches as long as it is not arbitrary. Alderman Vaught suggested making the permit good until the end of the year. Alderman Bell and Alderwoman Smith were in agreement. There was no further discussion. The motion passed 5-3 with the Mayor voting with the majority. Alderwoman Whitmore, Alderwoman Mehl, and Alderman Jones voted in opposition. The conditions are as follows:

- 1) Conditional Use Permit No. 1265, condition number 2, is amended to allow an external sound system during special events only.
- 2) This conditional use is valid for the current applicant Joanne Stevens only.
- 3) This conditional use is valid through the calendar year 2008 only.

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

1. Consideration of bids for a Track hoe/Excavator for the Sanitation Department.

Mayor Townsell stated that the Sanitation Dept. has recommended going with the low bidder, H & E Equipment Services, Inc. in the amount of \$178,021.89 after a \$6,000.00 trade-in allowance. Alderwoman Smith motioned to accept the low bid. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

2. Ordinance appropriating funds to the Conway Parks Department from the President's Cup Soccer Tournament.

O-08-66

Brian Knopp, Parks Director, 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. Alderman Jones motioned to adopt the ordinance. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

3. Ordinance appropriating funds to provide an elevator maintenance agreement on all City elevators.

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Mayor Townsell asked if we received a quote. Brain Knopp, Parks Director, stated the low quote came from Kone in the amount of \$5,220.00. Alderman Bell motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderman Vaught asked if this was an annual. Mayor Townsell stated yes, this is the first time we have done it this way. Mr. Knopp stated there is a five (5) year term; which cannot be canceled before ninety (90) days of any of the five (5) years. Alderman Vaught stated he dislikes the fact that there is no way to cancel. Michael Murphy, City Attorney, explained there is a performance clause where the city can ask for an independent elevator consultant to evaluate Kone's performance, if they do not correct any items found the city may give Kone ninety (90) days notice but the city is still obligated to pay all previous outstanding balances. Mr. Murphy went onto say there is an exclusive venue for any disputes shall be in Rock Island County Illinois

and the indemnity clause states if something happens and Kone is negligent the city pays for it. Alderman Bell stated that we should let Mr. Murphy look over the other contracts. Mayor Townsell explained that city halls elevator is already out of date. Alderman Bell motioned to hold this item in committee. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

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

1. Consideration of the destruction of certain old records from the Conway District Court.

Donna Clifton, District Court Clerk, was present to answer questions. Alderman Bell motioned to allow the destruction of the documents. Alderwoman Smith seconded the motion. Alderman Grimes asked if these records could be recycled as opposed to being buried in the cities landfill. Ms. Clifton stated records destroyed years ago were buried in the landfill. Michael Garrett, City Clerk, stated he goes to the landfill as a witness to watch as the records are buried. Ms. Clifton stated district court shreds records that pertains personal information. Michael Murphy, City Attorney, stated this comes straight from the old statutes. Mr. Murphy asked Ms. Clifton if new state law changed any language used in the standard affidavit form. Ms. Clifton explained that the statutes reads that the town, city, or county shall document destruction by affidavit prepared, what records are being destroyed, and method of destruction; it just states we have to list the method used. There was some discussion of using a shredding company to destroy the records. Alderman Vaught suggested shredding documents that have privileged information. Alderwoman Bell amended his motion to allow the documents to be destroyed by recycling or possibly shredded and recycled if necessary. Alderwoman Smith was in agreement. There was no further discussion. The motion passed 7-0.

2. Ordinance appropriating funds to the CFD to connect fiber to the old ADEM building to connect to the city's network.

O-08-67

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 Bell

seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

3. Consideration of bids for a new outdoor warning siren and 2 replacements for the City of Conway.

Lloyd Hartzell, Information & Technology Director, was present to answer questions. Mayor Townsell explained this type of system is not guaranteed to be heard indoors. The low bidder was from American Signal Corp. in the amount of \$51,415.67. Alderwoman Smith motioned to accept the low bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

7. Old Business

8. New Business

A. Ordinance amending section 1 of Ordinance O-06-51 to approve a new commissioner on the Civil Service Boards/Commission.

O-08-68

Alderman Vaught motioned to appoint Bob Bell to the Civil Service Commission. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. Bob Bell's term will expire on the first Monday of April 2014. 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 Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

B. Ordinance appropriating for the City of Conway's 20% match for the transit feasibility study.

O-08-69

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Mayor Townsell explained that this is a grant from the federal government and the cities portion is \$34,224.00 and will come out of the general fund. Alderman Bell 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. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0.

PASSED this 27th day of May 2008

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett