
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
May 24, 2011

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, Alderwoman Mehl, Alderman Rhodes, Alderman Jones, Alderman Vaught, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

Call to Order

Roll Call

Minutes: *May 10th, 2011*

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Smith seconded the motion. Alderman Vaught motioned to amend the minutes regarding the vote on the washout bay canopy at the Fairgrounds. He stated he voted in opposition, but his name was also tallied with the "Ayes". Mayor Townsell stated this will be corrected. There was no further discussion. The motion passed 8-0.

Announcements / Proclamations / Recognition: *Employee Service Awards*

5 years

Dana Derrick - Sanitation Dept.
Brian Edwards - Police Dept.
Randall Green - Fire Dept.
Billie Jean McGinty - Physical Plant
Lewis Noggle - Sanitation Dept.

10 years

Tony LaPlaunt - Street Dept.
Betty Jo Myers - Sanitation Dept.
Elgin Thomas - Street Dept.
Officer Michael Bradford - Police Dept.
Sergeant Casey Dunn - Police Dept.

20 years

Patty Scherer - Police Dept.
Randy Evans - Street Dept.

Mayor Townsell stated last meeting we inadvertently left an item off the agenda for UCA regarding a sidewalk repair in front of the Presidents home located at 201 Donaghey. Mayor Townsell stated also since the collapse of the building in Morrilton, city staff has met and recommends the hiring of an engineering firm to look into the issues with one or more buildings in the downtown area. Alderwoman Smith motioned to add these items to the agenda. Alderwoman Whitmore seconded the motion. Mayor Townsell stated he would like to move the Dryer Building to the beginning of the agenda and the UCA sidewalk issue to the bottom of the agenda. Alderman Vaught asked to move the A & P ordinance issues up on the agenda. Alderwoman Mehl asked to move the UCA sidewalk issue to the beginning as well as someone present for

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this item. Mayor Townsell stated then we can move all three of these issues to the front of the agenda. Alderwoman Smith and Alderwoman Whitmore concurred. The motion passed 7-0.

Ordinance amending Ordinances O-05-97 & O-05-98 allowing for additional use of taxes collected upon the sale of prepared food and beverages.

Mayor Townsell stated we need to request an authorization agreement from the A & P Commission on this proposed ordinance and all other proposed ordinances should be put on hold until that time. Alderman Vaught stated due to some possible legality issues with this, Mike Murphy, City Attorney, is going to consult with Gordon Wilbourn, bond council, to discuss issues raised as to how this may apply to the 2007 ordinance that was approved by voters which relies on some of the language in the 2005 ordinance that established these taxes and motioned to hold these four proposed ordinances in committee until these discussions can take place. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

Ordinance adopting budget adjustments for the Conway Parks Department.

Item held in committee.

Ordinance to decreasing the budget for the Conway Parks Department.

Item held in committee.

Ordinance adopting salary adjustments for the City of Conway employees.

Item held in committee.

Discussion to repair sidewalk at 201 Donaghey on UCA property.

Mayor Townsell stated city officials met with Larry Lawrence and Diane Newton at UCA and explained the sidewalk has historical elements and was constructed by the National Youth Administration during the depression; 30 of the 70 panels that make up the sidewalk is in some way disrupted or broken. Mayor Townsell stated UCA has requested to repair the sidewalk with their money with a brushed finish sidewalk. Mayor Townsell asked if the sidewalk would extend the sidewalk to the corner of Robins St. Jeff Pitchburg, VP University Relations/UCA, stated yes and we also want to come down to the crosswalk in front of the Presidents home across from Main Hall and Irby Hall; at the present time there is no connective sidewalk on that side of the street it just ends at the corner of the Presidents home as this will give the students more areas to cross the street. After some discussion Alderwoman Smith motioned to allow UCA to repair/replace the sidewalk. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0-1. Alderwoman Mehl abstained.

Discussion to request RFP for structural engineer to investigate the condition of three buildings located in the 900 block of Front Street.

Mayor Townsell stated we have had numerous contradictory engineering studies that tend to indicate the building may be multiple buildings. Mayor Townsell stated we are the entity to make this request and ask for council approval to obtain an engineer through an RFP process to complete a more thorough study of the entire building involved and give the city an recommendations on what can be done moving forward. Alderwoman Smith motioned to move forward with the RFP process for this project. Alderwoman

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Whitmore seconded the motion. This should include getting the agreement from the various property owners to be allowed in the buildings and complete the surveys and pursue an administrative search warrant if necessary. Terry Long, Pastor Downtown Pentecostal Church, stated he would like to sit down with someone to discuss this issue so he can relay to his congregation what is going to take place since a cost could be placed upon the property owners. Mayor Townsell stated it appears that your building is attached in some fashion or is moving with the Dryer Building explaining he is not certain if this is true or not as it appears there is a void between your building and the Crossman Building. Mayor Townsell stated we do know that the south wall of your building, that is adjacent to the Dryer Building, is bowed out to the north over 7 inches in the middle. The north wall of the Dryer Building it is bowed out over 17 and if your building is attached in any fashion or is moving with then there could be implications to the use of the building until a solution to repair it or tear it down. Mayor Townsell told Mr. Long that he would meet with him to discuss this in more detail. Charlie Crossman, Crossman Printing, stated when he hired an engineer and his report states that his building is not causing that building to lean but as you stated there are contradictory reports and feels it is important to follow up; his concern is if he will be able to operate his business or will he not be allowed to enter his building. Mayor Townsell stated anything like that would come after a finding by the engineer. Mr. Bates, Bates Furniture Store, asked that this process be expedited as the alleyway is vital to his business and asked that sanitation services not get interrupted. Mayor Townsell stated we will expedite this process and stated he had already spoken to the sanitation dept. in regards to his trash pickups. There was no further discussion. The motion passed 8-0.

1. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce & Downtown Partnership)

1. Resolution adopting the Conway Wastewater Improvement Facilities Plan for Conway Corporation.

R-11-20

Greg Dell, Conway Corp, stated Conway Corp has entered into a memorandum agreement with the Arkansas Natural Resources to supply funding for this project and one requirement is that the city council adopts a resolution approving the final facility plan. Alderwoman Smith motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance accepting the annexation of certain lands comprise of 57.64 acres located south of Dave Ward Drive and West of Lollie Road and east of Sand Gap Road with the possible addresses of 3605 Lollie Road or 3600 Sand Gap Road.

O-11-39

Mayor Townsell stated this is the final tract of land to complete the entire footprint for the new airport; this is land we own and it just needs annexed into the city. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Mayor Townsell suggested eliminating the emergency clause. Council concurred. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman

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

- 3. Ordinance to rezone property located south of Dave Ward Drive at 3605 Lollie Road/3600 Sand Gap Road from A-1 to I-3.**

O-11-40

Mayor Townsell stated I-3 is the zone airports are allowable by conditional use. 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. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

- 4. Consideration of a conditional use permit from the City of Conway for a conditional use permit to allow a new airport for property located south of Dave Ward Drive at 3605 South Lollie Road/3600 Sand Gap Road.**

Mayor Townsell stated this encompasses approximately 450 acres and was forwarded to council with recommendation for approval with no conditions. Alderwoman Smith motioned to approve the conditional use permit. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 5. Consideration for approval of a material testing contract from Thomas & Associates for the New Conway Airport in the Lollie Bottoms.**

Ronnie Hall, City Engineer, stated this is a material testing contract for the runway at the new airport; it is essential that the density has been achieved in the material. The cost of this work is \$29,996.00 and will be based on the actual testing work performed multiplied by the unit prices in the contract. We will be reimbursed 95% from the 2010 FAA Grant and 5% from a State Aeronautic Dept. Grant. Alderman Hawkins motioned to approve the contract. Alderwoman 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. Consideration to accept the nomination of Geneva Stephens for the Housing Authority Board.**

Alderman Hawkins motioned to accept this nomination. Alderwoman Smith seconded the motion. Mayor Townsell stated this would re-appoint Ms. Stephens to another 5 year term. There was no discussion. The motion passed 8-0.

- 2. Resolution in support of a Safe Routes to School Grant application for sidewalks and traffic calming measures along Siebenmorgen Road, Bill Lucy Drive, Lee Street, Manor Drive and Stermer Road.**

R-11-21

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Aldерwoman Smith motioned to adopt the resolution. Aldерwoman Whitmore seconded the motion. Aldерman Vaught asked what type of traffic calming devices are involved. Bryan Patrick, Planning & Development Director stated he believes it is flashing lights that are similar to ones used along Donaghey that are secured to the street. After some discussion the motion passed 8-0.

- 3. Resolution in support of a joint-use agreement grant with Conway High School West for the purpose of Laurel Park Tennis Court use and new lighting.**

R-11-22

Aldерman Hawkins stated Conway High School has received grant monies from the State Department of Education to replace lighting at the tennis courts at Laurel Park. Lauralee McCool stated the joint use agreement is a tool that is used widely in other states where two partners come together to agree to use a facilities; some of the money will be used for training us write the joint use agreement and as a bonus they kick in \$10,000.00 for us to get new lighting at Laurel Park. Aldерwoman Mehl asked if receiving this grant dependent upon the joint-use agreement. Ms. McCool stated yes we get up to \$3,000.00 to create the joint-use agreement and once that document is in place and approved by the State then we can move forward to receive the \$10,000.00. Aldерwoman Mehl asked if the City will pay for the electricity and the maintenance of the lights. Ms. McCool stated the city already does that and explained this money is coming through Conway Public Schools as they are the grant holders and explained this is State money. Aldерwoman Smith motioned to enter into this joint-use agreement. Aldерman Jones seconded the motion. Aldерman Vaught asked if this agreement allows any further use of the courts that is exclusive to the school beyond what we have now. Ms. McCool explained we have not detailed the agreement at this point, but there have been meetings between us and the school and she believes we will section off times for the school to use the facility. After some discussion the motion passed 8-0.

- 4. Ordinance to rezone property located at 2002 Dave Ward Drive from R-2 to O-3.**

O-11-41

Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Smith seconded the motion. The motion passed 8-0. Beau Wilcox, Attorney; Graddy & Adkisson representing the Anthes Family Trust, stated the applicants feel this property would be of better use to them as O-3 with the decline of residential property along Dave Ward Drive. Mr. Wilcox stated after consulting with Bryan Patrick, Planning & Development Director, it was determined that O-3 was the zoning classification for this property due to the flexibility and it could still be used as residence if need be, otherwise it would be nothing more than a quiet office and asked council to grant this rezoning request. Aldерwoman Smith motioned to adopt the ordinance. Aldерwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерman Rhodes, Aldерman Hawkins, Aldерwoman Smith, Aldерwoman Mehl, Aldерwoman Whitmore, Aldерman Grimes, Aldерman Vaught, and Aldерman Jones. The motion passed 8-0.

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5. **Ordinance to rezone property located at 605, 615, & 725 Donaghey Ave; 2111 & 2117 Louvenia Ave, 2118 & 2120 Ada Ave; 720 Western Ave; 2229 Robinson Ave and 2135 Caldwell St from R-2A to S-1.**

O-11-42

Alan Finley, COO Conway Regional Medical Center, stated we have no immediate plans for construction on any of these properties but stated it is consistent with the S-1 zoning we have currently have with our other properties on the campus, and stated it is also consistent with the comprehensive plan. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

6. **Consideration to paint traffic signal poles in Downtown Conway on Oak Street.**

Ronnie Hall, City Engineer, was present to answer questions. The only quote received was from DeSoto County Electric in the amount of \$19,800.00. Alderwoman Smith motioned to approve the painting of the traffic signal poles. Alderman Hawkins seconded the motion. Ms. Keller, 56 Fiegel Loop, spoke in opposition of painting the traffic signal poles. There was no further discussion. The motion passed 8-0.

C. *Public Safety Committee (Police, CEOC, Information Technology, Fire, District Court, City Attorney & Animal Welfare)*

1. **Ordinance appropriating funding for Civil Service expense for the Conway Fire Department promotion testing.**

O-11-43

Lisa Mabry-Williams, Human Resource Director, stated the amount requested will not exceed \$9,000.00; all of this may not be needed. 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 some discussion in regards to the Fire Dept. budget and Alderwoman Smith asked if the Fire Dept. has this money in their budget can it be taken from there. Mayor Townsell stated we can look into that scenario. Alderman Grimes stated we can take it from the Fire Dept. budget if council chooses. Alderman Vaught stated that would take a separate action by the council to do that. Alderwoman Smith stated she has already made a motion and suggested to proceed with it. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, and Alderman Jones. The motion passed 7-1. Alderman Vaught voted in opposition.

2. **Consideration of a request from the Conway Police Department to hold a public hearing to discuss the changes to the Civil Service Rules as related to the hiring and selection process.**

A.J. Gary, Chief of Police, stated we have been working on this for quite some time and would like to hold a public hearing in front of the Civil Service Commission to recommend changes and give the public an opportunity to give input. Chief Gary gave a synopsis of the changes which are listed below:

Section 2, Qualifications, page seven (7)

- #4 **(current)** High School graduate or possess GED.
- #4 **(proposed change)** Applicants are required to have an Associate degree of 60 hours of college credit from an educational institution that is accredited by at least one nationally recognized accrediting agency as determined by the U.S. Secretary of Education.

Section 2, Qualifications, page eight (8)

- #9 **(current)** Successfully complete a physical agility test, psychological examination and post-offer physical examination, including a post-offer drug test.
- #9 **(proposed change)** Successfully complete a physical agility test, background investigation. Qualifications Appraisal Board as required by CLEST and a Truth Verification Exam.
- #10 **(proposed addition)** If selected for employment as a part of a conditional offer of employment, a candidate must successfully complete a psychological exam, a physical exam including vision and hearing and a drug screen.

Mayor Townsell asked who we are setting the public hearing for. Chief Gary stated the Civil Service Commission. Mayor Townsell stated can we set a public hearing for them. Chief Gary stated this is mainly for council to be informed of what is taking place.

Old Business

New Business

1. **Ordinance amending Ordinances O-05-97 & O-05-98 allowing for additional use of taxes collected upon the sale of prepared food and beverages.**

Item moved up on the agenda/held in committee.

2. **Ordinance adopting budget adjustments for the Conway Parks Department.**

Item moved up on the agenda/held in committee.

3. **Ordinance to decreasing the budget for the Conway Parks Department.**

Item moved up on the agenda/held in committee.

4. **Ordinance adopting salary adjustments for the City of Conway employees.**

Item moved up on the agenda/held in committee.

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Adjournment

PASSED this 24th day of May 2011

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett