
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
January 28, 2014

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 Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Grimes was not in attendance.

Call to Order: Mayor Tab Townsell
Roll Call: City Clerk/Michael O. Garrett
Minutes Approval: January 14, 2014

Alderwoman Smith motioned to approve the January 24, 2014 minutes as submitted. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Employee Service Awards

5 Years

Solomon Russ - Sanitation Dept.
Asa Harvey - Fire Dept.
Desmond Lewis - Fire Dept.
Jonathan Talley - Fire Dept.
Lauralee McCool - Administration

10 Years

Tommy McClurg - Sanitation Dept.

15 Years

Tab Townsell - Mayor
Mike Garrett - City Clerk/Treasurer

20 Years

Ronnie Hall - Street Dept.

1. Public Hearings:

- 1. Public Hearing/Ordinance to discuss the closing of a portion of South Baridon Street in Bear's Den Subdivision.**

O-14-06

Mayor Townsell opened the public hearing. Brandon Huffman, Azalea Holdings, explained they own the property to the east and west of Baridon Street and wish to close this portion of the street so their property line can be continued all the way back. Judy Clark, 600 S. Baridon, spoke in favor of the proposed street closing. The Mayor closed the public hearing. Alderwoman Mehl motioned to suspend the rules to add the ordinance to the agenda.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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 Hawkins, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0.

2. **Public Hearing/Ordinance to discuss the closing of an alley running west to east in the R.L. Hayes Addition Block 3 (815 4th Avenue).**

O-14-07

Mayor Townsell opened the public hearing. Bobby French, 1021 Front St, representing Colson Oil, explained the applicant wishes to close the alley to the south. Mr. French stated the applicant owns the gas station on the corner of Oak St and 4th Ave and Saigon Cuisine and are in negotiations with McGee Monument to purchase their lot with the hopes of remodeling the store sometime in the future. Mr. French stated he believes the alley has been closed for a long time, but documentation to this could not be found. The Mayor closed the public hearing. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore 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 Hawkins, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0.

2. **Report of Standing Committees:**

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

1. **Resolution setting a public hearing to discuss the closing of an alley between Lots 110 and 111 and a portion of street right of way on McKennon Street in the Village at Hendrix Phase I.**

R-14-03

Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion; the public hearing is set for Tuesday February 11, 2014 at 6:30 pm. The motion passed 7-0.

2. **Consideration to accept the nomination of Dwayne Young for the Board of Housing Authority Commissioner for a five year term.**

Alderman Hawkins motioned to accept the nomination of Dwayne Young for another five year term beginning January 15, 2014 through January 2019. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

3. **Consideration to enter into an agreement with University of Arkansas Cooperative Extension Service for horticulture program funding.**

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderswoman Smith motioned to approve the agreement. Alderswoman Whitmore seconded the motion. The cost is \$25,000.00 which is to be used for educational programs. There was no discussion. The motion passed 7-0.

- 4. Ordinance amending the notification requirements for conditional use permits, zoning amendments, and zoning variance requests for the Planning and Development Department.**

O-14-08

Bryan Patrick, Planning & Development Director, explained 3 notices are required for notification purposes and the newspaper notification is the only one mandated by state law, the other notifications can be changed; certified letters have been used for many years and was at one time, the best way to ensure notification. Mr. Patrick explained less expensive mailing options are now available, and recommended changing the notification requirement from certified letters, to first class letters with certificate of mailing. Mr. Patrick stated this will reduce mailing costs, while still providing the ability to confirm delivery. Mr. Patrick states the proposed ordinance also eliminates the wording for the applicant to submit the ordinance. Mr. Patrick recommended an emergency clause if council desires. Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderswoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderswoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderswoman Smith, Alderswoman Whitmore, and Alderman Jones. The motion passed 7-0. The clerk called the roll for the emergency clause with the following voting "Aye": Alderman Hawkins, Alderswoman Mehl, Alderman Ledbetter, Alderswoman Smith, Alderswoman Whitmore, and Alderman Jones. The motion passed 6-1. Alderman Pruitt voted in opposition.

- 5. Ordinance amending the Conway Zoning Ordinance to require child care facilities to seek a conditional use permit in all office zoning districts.**

O-14-09

Bryan Patrick, Planning & Development Director, explained this ordinance will require a conditional use for child care facilities in O-1 and O-2 zonings, which will now require conditional use permits in all office zonings. Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 7-0. Alderswoman Smith motioned to adopt the ordinance. Alderswoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderswoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderswoman Smith, Alderswoman Whitmore, and Alderman Jones. The motion passed 7-0.

- 6. Ordinance to rezone property located on the southwest corner of Factory Street and Polk Street from R-2A to O-2.**

O-14-10

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 7-0. Scott Hayes, 95 Lakeview Drive, stated he desires to construct a quiet office at this location. Alderman Smith motioned to adopt the ordinance. Alderman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderman Smith, Alderman Whitmore, and Alderman Jones. The motion passed 7-0.

- 7. Ordinance to rezone property located immediately east of the termination of South Baridon Street from R-2 to MF-3.**

O-14-11

Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 7-0. Brandon Huffman, Azalea Holdings, explained they wish to purchase approximately 25 feet of this property in order to keep their property line straight, and continue it to the back of the property. Mr. Huffman stated the property abutting this is zoned MF-3 and it is necessary to rezone this area the same. Alderman Smith motioned to adopt the ordinance. Alderman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderman Smith, Alderman Whitmore, and Alderman Jones. The motion passed 7-0.

- 8. Ordinance to rezone property located on the west side of Fourth Avenue mid-block between Oak Street and Maple Street from R-2 to C-3.**

O-14-12

Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 7-0. Alderman Smith motioned to adopt the ordinance. Alderman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderman Smith, Alderman Whitmore, and Alderman Jones. The motion passed 7-0.

- 9. Consideration of a request for a conditional use permit from Hendrix College to allow a columbarium for property located within the Hendrix Campus between Green Chapel and Trieshmann Fine Arts building at 1600 Washington Avenue.**

Alderman Smith motioned to approve the conditional use request. Alderman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

- 10. Consideration of a request for a conditional use permit from Krystal Perry to allow child care (in-home day) in a specific plan (T5 Urban Zone) for property located at 1262 Spencer Street.**

Alderman Hawkins motioned to approve the conditional use request. Alderman Smith seconded the motion. Mayor Townsell inquired if the applicant is aware of the changes

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

coming to that area. Bryan Patrick, Planning & Development Director, stated yes, they were informed and wished to move forward. There was no further discussion. The motion passed 7-0. The conditions are listed below:

- External Sound System - No external sound systems are permitted due to the site's proximity to other residences.
- Applicant shall provide child care for no more than sixteen (16) children.
- Conditional Use Permit shall be limited to the applicant only. It cannot be passed on to another owner of the property and does not "run with the land."
- Signage - Signage as allowed by the Conway Sign Ordinance with a non-illuminated, 4 foot tall, 16 square feet per side maximum freestanding sign.

11. Consideration of a request for a conditional use permit from Scott Hayes to allow MF-1 density in an R-2A zoning district for property located at the northeast and southeast corners of Monroe and Factory Streets.

Bryan Patrick, Planning & Development Director, explained the property is currently zoned R-2A; 1 parcel is to the north side of the street, 1 parcel is to the south side of the street. Mr. Patrick stated the parcel on the north, can by right, allow a duplex and a single family home. Mr. Patrick stated the parcel to the south allows for 1 duplex; which would today allow 5 units. Mr. Patrick stated Mr. Hayes, the applicant, would like to put in 3 triplexes, or a total of 9 dwelling units; some concerns have been raised. Scott Hayes, 95 Lakeview Dr., stated we are asking for this rezoning for a bottom line measure, we may in the future, go with quiet office, but due to the cost of the property, we would like this as a baseline of what we would be allowed to do. Mr. Hayes stated their contract with Second Baptist Church is contingent on this rezoning, and stated we are in agreement with the conditions. Gene Salter, 2915 St Charles, explained he has an extensive investment on Monroe Street, which is across from this property, and spoke in favor of the conditional use request and asked when the planning commission meets that he is given notification so he can assist Mr. Hayes, and also be allowed to have input. Alderwoman Smith motioned to approve the conditional use request with the conditions listed below. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

- A total of nine (9) dwelling units is allowed.
- Type of structure must be triplexes.
- The permit is only applicable to Scott and Robin Hayes. The permit is not transferable and does not "run with the land".

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

1. Ordinance appropriating funds to purchase replace equipment for the Conway Fire Department.

O-14-13

Mike Winter, Assistant Fire Chief, asked council to approve the purchase of a new air compressor which is used to fill up SCBA bottles; these allow us to breathe in a hazardous environment; we are currently relying on outside agencies to fill up our bottles. Assistant Chief Winter stated the cost for block replacement, not including labor or shipping is

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

\$12,000.00; which also poses a warranty issue. Assistant Chief Winter stated for a little more cost, we can purchase a new Scott Simple Air Compressor which is compatible with our air bottles, and requested approval of a source vendor, G & W Diesel Services, as they are the closest vendor available. Mayor Townsell stated this ordinance does have an emergency clause and addresses the issue of a fund balance appropriation in the amount of \$19,893.26. 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, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0.

2. **Ordinance authorizing a five year extension of the Inter-local Agreement / Consideration to enter into an agreement with MEMS for ambulance services for the City of Conway.**

O-14-14

John Swanson, Executive Director MEMS, was present to answer questions. Alderwoman Whitmore 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. Mayor Townsell stated this will amend the budget and a fund balance appropriation in the amount of \$27,500.00 is necessary. The total subsidy to MEMS is \$109,438.00, which will cover a period of January 1, 2014 through December 31, 2014. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0.

C. Finance

1. **Consideration to approve the monthly finance report ending December 31st, 2013.**

Tyler Winningham, CFO, was present to answer questions. Mayor Townsell stated Tyler Winningham, CFO, presented the December 2013 financial report at tonight's committee meeting. Alderwoman Smith motioned to approve the December 2013 financial reports. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Adjournment

PASSED this 28th day of January 2014

APPROVED:

Mayor Tab Townsell

