
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
October, 24, 2006

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

1. *Invocation, Pledge, Call to Order*

2. *Roll Call*

3. *Minutes:* October 10th, 2006

Alderwoman Whitmore motioned to approve the Oct. 10, 2006 minutes. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

4. *Recognition of Guests: Employee Service Awards*

5 yr: Clint Harper and Jimmy King – Fire Dept. and Lynn Keith – Community Development
10 yr: Sue Wilson – Sanitation Dept.

5. *Public Hearings:* None

6. *6. Report of Standing Committees:*

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

1. *Resolution to set a public hearing for the issuance of franchise revenue bonds for the City of Conway.*

R-06-42

Alderwoman Smith motioned to set the public hearing for Tuesday Nov. 14, 2006 at 6:30 PM. Alderman Bell seconded the motion. There was no discussion. The motion passed 7-0.

2. *Ordinance waiving bids for purchase of Code Enforcement vehicles.*

O-06-140

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. Alderman Hawkins motioned to adopt the ordinance. Alderman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Jones, Alderman Brewer, Alderman Smith and Alderman Bell. The motion passed 7-0. Alderman Bell motioned to adopt the emergency clause. Alderman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Jones, Alderman Brewer, Alderman Smith, Alderman Whitmore and Alderman Bell. The motion passed 7-0.

3. Consideration of CDBG funding for 2007.

Lynn Keith was present and stated the recommendations from the advisory board is to allocate all of the estimated \$81,500 in projects to CAPCA for rehab for low to moderate income housing units. It was recommended by the advisory board to allocate from the public service fund \$14,850 for Bethlehem House for third shift staffing, \$4,000 for Boys & Girls Club for transportation, \$10,000 for Senior Citizens transportation, \$20,000 for FCCDD for Trans Services to jobs & job training for disabled, \$6,150 for Pine St. Free Clinic for supplies, \$5,000 for Women's Shelter transportation program. Alderman Smith motioned to approve the recommendations for funding. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

4. Ordinance to rezone property located at 1410, 1415, 1430, and 1435 West Plains Drive and 3845 Tyler Street from A-1 to PUD.

O-06-141

Alderman Brewer motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 7-0. The following are the conditions for this rezoning.

- A minimum 6-foot-high wood privacy fence with 2-by-4 cross members between 8-foot-high brick columns (8-foot spacing between pillars) must be installed along the north, east, and west property lines and connect to existing fencing to the south.
- A 27-foot-wide street with curb, gutter, and sidewalk is to be extended from Glenwood/Cumulus Drive to Tyler Street.
- No signage, banners, or advertising allowed on fences.
- Structures will be 100% brick construction.

Alderman Brewer motioned to adopt the ordinance. Alderman Grimes seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Jones, Alderman Brewer,

Aldерwoman Smith, Aldерwoman Whitmore and Aldерman Bell. The motion passed 7-0. Bobby Spradlin addressed the council and stated that the east fence property line runs down the middle of the drainage ditch and needs direction on what to do about this issue. Aldерwoman Smith motioned to discuss the east fence property line. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. Mr. Spradlin stated the ditch runs at a very jagged angle and the land extends slightly across the ditch and putting bridging or fencing across the ditch is almost impossible. Aldерman Brewer motioned to strike the condition for the fence along the east property line. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. There was no further discussion. The clerk called the roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерman Jones, Aldерman Brewer, Aldерwoman Smith, Aldерwoman Whitmore and Aldерman Bell. The motion passed 7-0.

- 5. Ordinance to rezone property located on the west side of Faulkner St, with the address of 931 Faulkner St from R-2A to O-3.**

O-06-142

Aldерwoman Smith motioned to waive the readings of the ordinance. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. Aldерman Hawkins motioned to adopt the ordinance. Aldерwoman Smith seconded the motion. Mr. Kingrey, the current owner of the property, addressed the council and stated one of the conditions of the sale is, if the rezoning passes, the old structure will be razed and a 3 story office building will be erected that will comply with the Historic District rules. Lynn Keith stated the Historic District has met with the owners and the potential buyers about the structure and it is on the agenda for next month depending on the vote of the council. Aldерman Hawkins asked if they would want to bring this before the Historic District first. Ms. Keith stated that there is a contingency on sale pending the approval from the Historic District. Aldерman Hawkins stated he thinks the Historic District should look at the design first. Ms. Keith stated the Historic District Commission's charge is design not zoning, that is left up to the planning commission. There was no further discussion. The clerk called the roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерman Jones, Aldерman Brewer, Aldерwoman Smith, Aldерman Bell and Aldерwoman Whitmore. The motion passed 7-0.

- 6. Ordinance rezoning property located on Dave Ward Drive bounded by the Arkansas River on the west and the Toad Suck Lock and Dam on the North from A-1 to O-1.**

Aldерwoman Smith motioned to waive the readings of the ordinance. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. Aldерman Hawkins motioned to adopt the ordinance. Aldерman Grimes seconded the motion. Jay De'Haven, addressed the council and stated he is planning an upscale development expanding up to possibly 300 units within a 10 year period. There was no further

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discussion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderwoman Whitmore, Alderman Jones, Alderman Brewer, Alderwoman Smith and Alderman Bell. The motion passed 7-0.

7. Consideration of a conditional use permit for MF-3 density and General retail in O-1 zoning for property located on Dave Ward Drive and bounded by the Arkansas River on the west and the Toad Suck Lock and Dam on the north.

Alderman Hawkins motioned to grant the conditional use permit. Alderman Grimes seconded the motion. Mayor Townsell stated that the condition is that any site plan for the 32.24 acres shall be approved by the Planning Commission and the City Council. There was no discussion. The motion passed 7-0.

8. Consideration of a conditional user permit for religious and church activities for property located at 1655 South Donaghey Ave.

Alderman Hawkins motioned to grant the conditional use permit with the 3 conditions. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The conditions are listed below.

- No outdoor sound system allowed.
- Lighting shall be inward, downward, and shrouded with no more than one foot-candle per square foot at the property line.
- The Planning Director and City Engineer will have final approval for any curb cuts to be made for this site.

9. Consideration of a conditional use permit for elementary school and school activities for the property which is located at 1400 Padgett Road.

Alderman Hawkins motioned to grant the conditional use permit. Alderman Bell seconded the motion. Alderwoman Smith stated she doesn't feel condition #2 (Removal of any trees over 18 inches in diameter must first be approved by the Planning Director) is necessary. Carroll Bishop, Conway Public School Asst. Superintendent, addressed the council and stated they are going to save as many trees as possible and plant as many as they can as well. Alderwoman Smith motioned to amend Alderman Hawkins motion by striking condition #2. Bryan Patrick, Planning Director, stated it would not take a lot of time to survey the trees at this site. Alderman Bell asked Mr. Bishop if it would be a burden on the school district to mandate saving the trees. Mr. Bishop stated if they can cut down the trees necessary to build the building and not have to re-do the plans it would not be. Alderman Brewer asked if the permit be linked to only trees of this size and larger that are outside the footprint of the development. Mayor Townsell stated yes. Alderman Brewer motioned that the condition be modified condition #2 to exclude anything within the architectural footprint of the development. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0. Alderman Bell motioned to grant the amended conditional use permit. Alderwoman

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Whitmore seconded the motion. There was no further discussion. The motion passed 7-0. The conditions are listed below.

- Lighting is to be inward, downward, and shrouded with no more than a one foot-candle per square foot along the property line.
- Removal of any trees over 18 inches in diameter must first be approved by the Planning Director and is to exclude anything within the architectural footprint of the development.

10. Consideration of a parking lot variance for property located at 3960 Prince Street, Lot 4, Davidson's Subdivision.

Alderman Hawkins stated there are some cross access agreements that are already filed and the planning commission does not approve of the reason to grant this additional curb cut onto Prince St. on lot #4. Mike Davidson, owner, stated he approached the buyer about the possibility of going through another street to gain access to the property. The buyers stated to Mr. Davidson that it would be difficult for trucks to gain access through another street. Mr. Davidson's offer from the buyer is contingent on variance and doesn't feel it will sell without the variance being approved. Alderman Hawkins stated he cannot support this variance. Alderman Grimes was in agreement and believes it would be a good idea for the appropriate individual to talk to Metropolitan Bank about widening their curb cut to accommodate large trucks pulling into the immediate area. Alderman Brewer motioned to grant the parking lot variance. Alderman Bell seconded the motion. There was no further discussion. The motion failed 1-6. Alderman Brewer voted in favor of the variance.

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

1. Consideration of bid for a 2 ram baler & conveyor for the Sanitation Dept.

Cheryl Harrington, Sanitation Director, stated that Downing Sales was the lowest bidder that met all specs and their bid was \$464,110.47. Ms. Harrington went on to say she has the funds to pay for this equipment but her concern is they still have some trucks that are old and barely made it through last winter and it is possible they may have to use some of these funds this year in order to keep up. Ms. Harrington stated they requested some funding options and the lowest is from Mosaic International and they will finance this item for 5 years at 5.09% with payments close to \$103,000 per year, or the funds are available to purchase the equipment out right. Alderman Brewer asked what the anticipated truck costs are for this winter. Ms. Harrington stated that it is possible that 2 trucks could go down this winter and that is approximately \$175,000 each. Alderwoman Smith motioned to accept the bid from Downing Sales as a purchase. Alderman Bell seconded the motion. Ms. Harrington stated she would rather not take the \$25,000 trade in value offered but to auction the equipment off as she feels we can get more than that amount. Alderwoman Smith approved to allow the old equipment to be auctioned off in her original motion to

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accept the bid from Downing Sales. Alderman Bell was in agreement. There was no further discussion. The motion passed 7-0.

2. Consideration to waive bids for vehicle repair for heavy equipment for the Sanitation Dept.

O-06-144

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

3. Consideration of a private pier or boat house for property located at 42 Southshore Drive.

Alderman Bell motioned to approve the application. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-1. Alderman Brewer voted in opposition.

4. Discussion of a boathouse/private pier for property located at #13 Beaverfork Place.

Tim Morris was present to answer questions. Mayor Townsell stated that since Mr. Morris does not have all the sign offs the council could approve this with the condition that Mr. Morris is required to get all the necessary signatures and this would allow Mr. Morris to start construction before the lake fills back up, or this can be brought back to the council in three weeks to revisit the request. Alderman Bell motioned to approve it contingent on obtaining the needed signatures. Alderwoman Smith seconded the motion. James Burnside, Parks & Rec. Dept., stated that the dock itself is 26 X 30 not including the walkway to the side, and the ordinance is not clear if it can or cannot be constructed this way. Alderman Bell stated if the walkway makes the structure bigger than what the guideline calls for it is going to make it too wide or have two structures that are too close together and he doesn't believe that will work. Mayor Townsell asked if the motion was to keep the structure within the guidelines given in the ordinance. Alderman Bell stated yes. Mr. Morris stated the boat house is structurally the guideline, they just wanted something nearby to use to sun bathe on or jump into the water from. It is more like a pier and has a ramp that runs to the boathouse. Mayor Townsell stated that the pier would make the combined allowance too large. Mr. Morris asked how far away from the boat house would the pier have to be. Mayor Townsell stated 100 feet. There was no further discussion. The motion passed 6-1. Alderman Brewer voted in opposition.

C. Public Safety Committee (Police, Fire, Dist. Court & City Att., & Animal Control)

- 1. Ordinance appropriating funds to the Conway Police Department to replenish gasoline and diesel account.**

O-06-145

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

- 2. Ordinance accepting and appropriating funds for vehicle repairs to Engine 2 for the CFD.**

O-06-146

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 Hawkins, Alderman Grimes, Alderman Jones, Alderwoman Whitmore, Alderman Brewer, Alderwoman Smith and Alderman Bell. The motion passed 7-0.

- 3. Consideration to sell a reserve 1978 Ford/Howe Pumper for the Conway Fire Department.**

Mayor Townsell stated that Bart Castleberry, Fire Chief, would like to transfer this truck to the sanitation dept. Alderman Bell motioned to remove this item from the agenda. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

A. Personnel

- 1. Discussion of extending the fitness center option for the City of Conway employees from Extreme Fitness.**

Alderman Bell motioned to accept this offer. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

- 2. Consideration of health, medical and life insurance for City Employees.**

Lisa Mabry Williams, Human Resource Director, stated the RFP included three basic plans. The plan we currently have, Option 2 is less a 20% co-insurance for specialist office visits which was one item in our package that our employees complained the

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most about this year. That co-insurance also applied to preventative care type visits so this was removed from Option 2B. Option 3B is another plan we have now less the 20% co-insurance for specialist office visits and an EAP Program added. Ms. Williams stated the only bid we received that could give us a full EAP Program was United Healthcare. Blue Cross/Health Advantage has online enrollment so making changes and billing are simple and employees can access their benefit information online within 48 hours. They have an A. M. Best rating of A, minimal claim issues, excellent service, issues are resolved promptly and COBRA is included in the premium cost. Ms. Williams went on to say that there was an 8% rate increase over our current premium costs and stated that the current trend nationwide is about 11%. United Healthcare has a past history of excellent service, on line enrollment and billing, and employees can access their personal claims on line. COBRA was not included in the premium costs and there is a full EAP program available in Option 3. United Healthcare has an A. M. Best rating of A and they came in with a 43% increase over our current premium costs. Ms. Williams stated she inquired as to why they came in that high and was told there was an error in underwriting and it was too late to change it. Ms. Williams continued on stating Mercy Health Systems placed a bid with a broker and are new to the state of Arkansas as of Jan. 1, 2006. They have an A.M. Best rating of B++, they do not have on-line enrollment or billing, employees do not have access to their personal claims on-line. COBRA is not included in the premium costs and it would have a zero increase to our premium costs. Ms. Williams recommended, with the councils approval, to select Health Advantage Option 2A and 2B, the Blue Cross Blue Shield Dental Option 1A and 1B, and United Health Care life insurance coverage which covers all employees including those on active military duty. Alderwoman Whitmore motioned to follow Ms. Williams' recommendations. Alderman Brewer seconded the motion. Alderman Hawkins asked what we know about Mercy Health Systems. Ms. Williams stated they are owned by the Sisters of Mercy and are based primarily in Missouri and they run three hospitals in Northwest Arkansas. Alderwoman Whitmore asked if the bid specs specified coverage for retirees, and then stated Mercy did not meet that specification. Ms. Williams stated retirees were not included in their original packet, but after recognizing their error Mercy came back and included retirees. Ms. Williams went on to say that Mercy first stated they would include retirees at a higher rate, and came back again and stated they would include retirees at the same rates first given. Alderwoman Whitmore asked if the bid specs were open for everyone at the same time and if Mercy's bid specs did not include coverage for retirees. Ms. Williams stated that was correct. Barbara Cross, Mercy Health Systems, addressed the council and stated that the bid request did mention that the plan must cover retirees but stated the information in the RFP did not specifically indicate any individuals on the census actually being retirees. Ms. Cross went on to say that Mercy assumed that everyone on the list of employees were active employees and there were no retirees and stated that Mercy can cover retirees. When this was pointed out to Mercy by Ms. Williams Ms. Cross contacted Mercy's corporate office and they did agree to let the proposal stand for all active employees and retirees without a re-evaluation. Ms. Cross gave a synopsis on the differences between Mercy's coverage verses Health Advantage's coverage and the costs associated with each. Ms. Cross

stated they do not have on-line enrollment at this time but would come on site and hold benefit meetings to explain benefits, answer questions and enroll employees. She also stated that one can view their benefits on-line and there is a service office in Little Rock. Alderwoman Whitmore asked what Mercy's renewal premium increase trend has been once a company has been covered for one year. Ms. Cross stated that Mercy has a 94% retention rate in Missouri and that they plan to stay in Arkansas, but she cannot say there will not be an increase with the national trend being at 12%. Ms. Cross stated an increase would be based on your specific groups and would be determined by the number of claims, demographics, age, and gender of the group as a whole. Alderman Bell asked Ms. Cross if they were planning on having on-line enrollment in the future. Ms. Cross stated that on-line enrollment is in the works. Ms. Williams stated that without the on-line capabilities she would have to hire a part-time person for her department. Alderman Hawkins stated that he is concerned that Mercy lacks on-line capabilities. Alderwoman Whitmore and Alderman Grimes were in agreement. There was no further discussion. The motion passed 7-0.

Ms. Williams stated that our voluntary benefits and flexible spending accounts are with Benefits Partners through Flex Co and they have stated they will hold all of our rates for another year without an increase and recommended that we accept their offer. Alderman Bell motioned to accept Flex Co's offer. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

7. *Old Business*

A. Resolution {R-06-34} accepting Jeanna Drive as a public city street.

R-06-34

Alderman Hawkins motioned to adopt the resolution pending the filing of any and all deeds for the right-of-way. Alderman Bell seconded the motion. There was some discussion on accepting this drive as city street due to it having open ditches. There was no further discussion. The motion passed 5-3. Mayor Townsell voted with the majority. Alderwoman Whitmore, Alderwoman Smith and Alderman Grimes voted in opposition.

8. *New Business*

A. Ordinance making corrections to subdivision ordinance in regards to sidewalks.

O-06-147

Mayor Townsell stated this ordinance will allow a minor re-plat not creating any new lots to occur without requiring the construction of sidewalks or payment of sidewalk in-lieu fees. Alderman Brewer motioned to waive the readings of the ordinance.

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Alderman Bell seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance. Alderman Hawkins seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Jones, Alderwoman Whitmore, Alderwoman Smith and Alderman Bell. The motion passed 5-2. Alderman Grimes and Alderman Brewer voted in opposition. Alderman Bell motioned to adopt the emergency clause. Alderman Hawkins seconded the motion. The motion passed 6-1. Alderman Grimes voted in opposition.

O-06-148

Mayor Townsell stated this change was recommended by City Attorney, Michael Murphy, and this ordinance will exempt the builder/sub-divider from the requirements to construct sidewalks within the sub-division if the final plat approval was prior to Oct. 31, 2005. 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 Hawkins, Alderman Grimes, Alderman Jones, Alderwoman Whitmore, Alderman Brewer, Alderwoman Smith and Alderman Bell. The motion passed 7-0.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 24th day of October 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett