

---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Conway, Arkansas  
Tuesday 6:30 p.m.  
January 8, 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 Hawkins, 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.

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* December 18<sup>th</sup>, 2007

Alderwoman Smith motioned to approve the minutes as submitted. Alderman Bell seconded the motion. The motion passed 8-0.

Alderman Grimes motioned to suspend the rules to allow a public comment from Brad Teague in regards to item 6 A-1. Alderman Bell seconded the motion. The motion passed 8-0.

Brad Teague, Athletic Director - UCA, stated he supports Hal Crafton's development on South Salem Rd; the new golf course would be UCA's home course and is a needed facility for UCA. Bunny Adcock also spoke in support of the development.

4. *Recognition of Guests:* None
5. *Public Hearings:*

- A. *Public hearing to discuss closing an alley located between North Ash & Davis Street.*

Mayor Townsell opened the public hearing. Sarah Bryan, 1704 Mill St., quoted from an application for rezoning from R-2 to a PUD. James Dreher wrote "we will be submitting a request to close the alley that runs to the west of the property; that request will be done for the

affected property owners regardless of the outcome of this project". Mayor Townsell closed the public hearing.

- 1. Ordinance to discuss closing an alley between North Ash & Davis Street.**

**Item held in Committee**

**6. Report of Standing Committees:**

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

- 1. Ordinance to rezone property located east of Nutter's Chapel Road approximately 400 feet south of Eggman Lane and west of Hilton Drive and Richland Hills Subdivision from R-1, MF-2, O-1 and C-2 to PUD.**

**O-08-01**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Bell seconded the motion. Hal Crafton explained he wishes to construct an 18-hole golf course and up to 900 apartments on this property and he briefly explained the development specifics. Jerry Park, 6 Richland Hills Dr., spoke in favor of the development but did have concerns on the Richland Hills infrastructure, the placement of some of the proposed apartments and traffic on Hilton Dr. Ronnie Hall, City Engineer, stated it is important that Salem Rd. is the primary access and the construction access for this project and he feels we should use the impact fee money from this project to improve Salem Rd. and extend it through to the north boundary of its project. Bryan Patrick, Planning Director, stated he would like to see crime prevention mechanisms built into the design of the apartments as suggested by the police dept. Some suggestions were gates, restricted authorized access, speed bumps, and possible relocation of parking areas. Mr. Patrick believes this should be a part of the development review and suggested that condition #4, set forth by the planning commission, should read *"18-hole golf course acreage must be maintained or preserved as green space"*. Mr. Patrick stated he is unsure at this point about condition #5 in regards to the impact fees since the city desires South Salem to be the main access. Mayor Townsell stated it should be either or; we prefer

Salem, but if necessary we can improve Nutter's Chapel and he believes Nutter's Chapel would qualify for impact fees as some portions of South Salem would not qualify. Mayor Townsell stated that it has been suggested to change condition #4 to preserve the acreage shown on the diagram, and combine condition #5 and #10 to read *"Construction traffic for this project is limited to Salem Rd if possible; we look to improve Salem Rd. with impact fees but if this is not possible we need to bring Nutter's Chapel Rd up to city standards."* Mayor Townsell stated that we need to add a condition to work the site plan review process on the safety standards with the concerns raised by the police dept. The council was in agreement with the suggestions to amend condition #4, combine #5 and #10, and to add an additional condition. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0. The conditions are listed below:

- 1) PUD shall be as submitted in drawings to the Planning Dept. - 900 apartment units in 75 buildings clustered within and 18-hole golf course - with Planning Dept. adjustments as needed.
- 2) Building #20 and #12 green shall be located forty (40) feet north from the property line.
- 3) PUD will not exceed 900 apartment units in 75 buildings.
- 4) 18-hole golf course must be maintained as presented or as green space.
- 5) The extension and construction of South Salem Rd is highly desirable. If Salem Rd. cannot be built, then the portion of Nutter's Chapel Rd abutting the property must be improved. Impact fees may be used for these improvements with future City Council approval. In addition, construction traffic for this project is limited to Salem Rd, if constructed. Otherwise, Nutter's Chapel Road will be used for all construction traffic.
- 6) Planning Dept. staff will examine parking and parking placement with any eye to the parking being more compartmentalized and located to the rear or sides of the apartment structures so as to create a better streetscape.
- 7) On-site water from lake to be used for golf course irrigation.
- 8) No external sound system usage between 10:00 p.m. and 8:00 a.m.
- 9) Trees larger than six (6) inches in diameter within twenty-five (25) feet of the property line will not be removed.

10) During Development Review, the PUD is subject to CPTED (Crime Prevention Through Environmental Design) review.

2. **Ordinance to rezone property located at 1220 and 1221 Ash Street at the terminus of North Ash Street of Mill Street from R-2A to PUD.**

O-08-02

Barry Williams, Robert Williams & Assoc., was present to answer questions. James Dreher, Civil Design, Inc, explained that the original application brought before the Planning Commission in 2006 was a rezoning request from R2-A to a conditional use for MF-3. Mr. Dreher also stated that area residents were concerned with the rezoning as they wished to keep the area/development more in line with the neighborhood that already exists. These residents also raised concerns ranging from traffic, parking, to inadequate road base. After the rezoning was denied the Planning Dept., myself and all other involved parties met to try to determine what type of development would be a good fit and with the help of Robert Williams and Assoc. we came up with a PUD design that addressed the concerns of the residents. Mr. Dreher outlined the proposed development for council. Walter Thompson, 1318 Davis St., Eric & Sarah Bryan, 1704 Mill St., Carl, Anita & Langston Reddig, 1909 Bruce St., Dee Lance, 1916 Prince St., Gary Tumlinson, 1221 Mitchell St., Carolyn Milligan, 1203 Clifton, Dawn Mathis, 1620 Mill St., Rod Mize, 1621 Mill St., all spoke in opposition of the proposed development. Mitch Frye, property owner of 1220/1221 Ash St., stated he has changed plans eight times to please the area residents and he is wanting a nice development and feels he has been more than generous and feels this is a good plan. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to deny the passage of the ordinance. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Vaught, Alderman Grimes, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Whitmore. The motion to deny passed 6-2. Alderwoman Mehl and Alderman Hawkins voted in opposition.

3. **Ordinance to rezone property located west of 111 Lower Ridge Road directly across from 112 Lower Ridge Road between Azalea Loop and Victory Lane from A-1 to RU-1.**

O-08-03

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. Alderwoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Travis Weaver, owner Diamond Ice Co., stated that ice would be produced, packaged, stored, and distributed from this facility; there are some condensing units that will be outside to pull air to produce the ice. Mr. Weaver stated that he became aware of concerns raised by local residents and the planning commission that included run-off storm water and noise pollution. Mr. Weaver explained he obtained a decibel reading at the proposed site and his existing site in Oppelo and found that the decibel level was equivalent to a conversation and experts assured him that the proposed facility would not be adding to the existing noise level. Mr. Weaver explained he consulted experts in septic designs and developed a site plan with the help of Wes Craiglow, Conway Planning Dept., and also presented this to Ronnie Hall, City Engineer. He found that with some changes and additions to this facility it would be improving the water run-off problem of the overall area. The facility run-off would be handled by two 1250 gallon holding tanks that would need to be pumped 2-3 times per year. Marsha Chase, 8 Azalea Loop, Pat Clark, area property owner, Sandra Bryant, 67 Azalea Loop, all spoke in opposition of the proposed rezoning voicing concerns of water run-off, sewer problems, and safety. Alderwoman Smith asked Mr. Hall asked if this proposed development would affect the drainage on Azalea Loop or Victory Ln. Mr. Hall stated the development of the shale pits will stabilize the soil, reduce the potential of stopping up ditches and water running across Lower Ridge Rd in the area of Victory Ln. Mayor Townsell stated he is concerned because the zoning of this area from Hwy 65 N down to E. German Ln. has not been planned or addressed. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins and Alderwoman Smith. The motion failed 2-6. Alderman Grimes, Alderman Vaught, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl voted in opposition.

- 4. Consideration of a conditional use permit to produce, package and distribute ice products for property located west of 111 Lower Ridge Road and directly across from 112 Lower Ridge Road between Azalea Loop and Victory Lane.**

Alderman Hawkins motioned to hold this item in committee. Alderman Grimes seconded the motion. The motion passed 8-0.

***B. Public Safety Committee (Police, CEOC, Fire, Dist. Court & City Atty., & Animal Control)***

**1. Ordinance accepting asset obtained through court order for the Conway Police Department.**

O-08-04

A.J. Gary, Chief of Police, was present to answer questions. Mayor Townsell stated we will allow city departments have the option to see if any of these items are needed. 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. Alderman Bell seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

**2. Consideration of accepting bids for station furniture for the Conway Fire Department.**

Bart Castleberry, Fire Chief, was present to answer questions. Mayor Townsell stated this is for furniture for stations 2 & 4; there was only one bidder; Bates Furniture. Alderman Bell motioned to accept the bid from Bates Furniture. Alderwoman Smith seconded the motion. The combined total of the bid is \$11,881.52. There was no discussion. The motion passed 8-0.

**3. Consideration of accepting bids for an ID badge and accountability system for the Conway Police Department.**

Bart Castleberry, Fire Chief, was present to answer questions. Alderman Bell motioned to accept the bid from AAMSCO in the amount of \$22,913.00. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

***C. Personnel***

1. **Ordinance amending Ordinance O-0-55 which adopted an amended employee handbook and personnel policy in regards to the City of Conway Pension Fund.**

O-08-05

Mayor Townsell explained this will remove a sentence from the handbook that contradicts Ark. Code Annotated 24-12-11 (d)(2). Our current handbook states that an employee that has left employment with the city and withdrew their portion of pension contribution monies can buy or put money back into the non-uniformed pension plan if they are re-hired by the City. The sentence is on page 22 of the Employee Handbook and it reads: "Should you later become re-employed with the City and wish to have prior service counted toward vesting and pension, all refunded monies (with possible interest included) will have to be returned to the Pension Fund." Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

#### *D. Finance*

1. **Ordinance appropriating funds for personal service for the FY 2008 for Department Heads.**

O-08-06

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. 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 Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

#### *7. Old Business*

- A. **Ordinance to close a portion of McKay Avenue east of Griffith extended to the West right of way of the railroad.**

O-08-07

Mayor Townsell stated this is property just north of the old F & F Concrete plant. 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. Mayor Townsell stated a portion of section 3 needs to be clarified and moved to section 1. This section should read: *“Conway Corporation has no objections to said closure, as long as the north 45 ft. of said portion remains a utility and drainage easement.”* The council was in agreement. Alderman Vaught stated that the first “Whereas” is incorrect. Mayor Townsell stated it can be changed to match the title. There was no further discussion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

8. *New Business*

A. **Resolution approving the issuance of capital improvement bonds for Hendrix College.**

R-08-01

Scott Schalhorn, General Council & Vice President Hendrix College, was present to answer questions. Alderman Hawkins motioned to adopt the resolution and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Alderwoman Smith motioned to suspend the rules to allow Jack Jumper to address the council. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Jack Jumper, 1920 Columbia Dr., was present to answer questions. Mayor Townsell asked if the council had considered the placement of the cold cure asphalt. Alderman Bell stated he went out to the area one rainy day and pulled into a driveway that did not have the asphalt laid and it was steep; the water was pooling in some places where the asphalt was laid and also in places where it was not laid. Ronnie Hall, City Engineer, stated the appropriate thing to do is to have the curb and gutter cut out and pour an inch and one-half high lip along the curb line.



---

---

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

---

Mayor Townsell suggested that from this point on we prohibit this from being done until a plan can be put into place. Alderwoman Smith motioned to grandfather Mr. Jumper and all the existing "filled in curbs" in. Alderman Bell seconded the motion. Alderman Grimes suggested not grandfathering anyone in; but rather not enforcing the code until a final solution can be agreed upon and put in place. The motion failed 5-3. Alderman Hawkins, Alderwoman Smith, and Alderman Bell voted in favor of the motion. Alderwoman Whitmore motioned to hold this item in committee; not enforce the code. Mayor Townsell stated code enforcement will not enforce this law for the time being.

**Adjournment**

**PASSED this 8<sup>th</sup> day of January 2008**

APPROVED:

\_\_\_\_\_  
Mayor Tab Townsell

\_\_\_\_\_  
City Clerk Michael O. Garrett