
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
September 24, 2013

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

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett, City Clerk/Treasurer

Minutes: August 27th, 2013 and September 16th, 2013 (Special) City Council Meeting

Recognition: Employee Service Awards

5 Years

Dara Tapley - Police Dept
Lynn Hicks - Permits & Code Enforcement
Tom Tubaugh - Parks & Rec
Chris Adkins - Police Dept
Steven Craig - Fire Dept

10 Years

Ray Mudgett - Police Dept
Charles Hankins - Fire Dept
Thad Burrow - Police Dept

15 Years

Cindy Hicks - District Court

20 Years

Donna Rappold - District Court
Thomas Knopp - Police Dept

1. Report of Standing Committees:

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

- 1. Resolutions requesting the Faulkner County Tax Collector to place a certified lien on certain properties as a result of incurred expenses by the City.**

R-13-48

Alderman Hawkins stated the property address is 9 West Rockwood Dr; the cost of cleanup was \$197.55 (\$152.32 + Penalty \$15.23 + filing fee \$30.00). There was no one present to speak

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to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-13-49

Alderman Hawkins stated the property address is 105 Eve Lane; the cost of cleanup was \$205.71 (\$159.74 + Penalty \$15.97 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-13-50

Alderman Hawkins stated the property address is 2907 Charles Circle; the cost of cleanup was \$294.47 (\$240.43 + Penalty \$24.04 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-13-51

Alderman Hawkins stated the property address is 10 Azalea Loop; the cost of cleanup was \$396.10 (\$332.82 + Penalty \$33.28 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-13-52

Alderman Hawkins stated the property address is 1637 Clifton St; the cost of cleanup was \$410.03 (\$345.49 + Penalty \$34.54 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

R-13-53

Alderman Hawkins stated the property address is 2002 Prince St; the cost of cleanup was \$1,805.56 (\$1,614.15 + Penalty \$161.41 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance accepting and appropriating donation funds for the Conway Tree Board for Arbor Day.

O-13- 102

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore motioned to waive the readings of the ordinance. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. The donated funds are in the amount of \$5,000.00 from Conway Corporation. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman

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Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

3. Ordinance accepting grant proceeds from ADEQ for the Planning and Development Department.

O-13-103

Alderwoman Whitmore 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 Jones seconded the motion. The grant funds received are in the amount of \$25,000.00. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

4. Ordinance accepting and appropriating federal funding for the Community Development Block Grant Program.

O-13-104

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Lauralee McCool, CDBG Director, explained we received \$17,514.00 more money for 2013 than budgeted. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

5. Consideration to enter into an agreement with various organizations for the Community Development Block Grant Program.

Alderwoman Smith motioned to approve the agreements. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

6. Consideration of right of way purchase from Conway Corporation for the Conway Municipal Airport.

Ronnie Hall, City Engineer, explained this is a right of way and utilities easement across airport property. Alderwoman Smith motioned to approve the right away and easement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

7. Consideration to award a contract to Thomas & Associates for the new relocated Conway Municipal Airport.

Ronnie Hall, City Engineer, explained this contract ensures compliance of construction testing, and confirmation of material and thickness, of runway and on-site road construction. Mr. Hall stated this is 90% funded by the FAA and 10% by state and local

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funds; the amount of the contract should be \$79,910.00 for airport paving and \$28,596.00 for on-site road projects. Alderwoman Smith motioned to approve the contract from Thomas & Associates.

8. Consideration of a request from Gridiron Towers for a conditional use permit to allow a transmission tower at 1601 South Donaghey Ave.

Alderman Hawkins motioned to grant the conditional use request with the conditions listed below. Alderwoman Smith seconded the motion. Mayor Townsell asked if a flag is to be placed on the tower. Wes Craiglow, Assistant Planning Director, stated it was discussed, but there is no requirement for a flag at this time, however, if a flag is to be placed it will need to be a United States or city of Conway flag and should be an appropriate size to fit the scale of the pole. Alderman Grimes stated he has issues with this item #8 and item # 9 on the agenda due to their placement being just feet from an R-1 (single family housing) zone. Jim Curly, Site Acquisition Manger for Gridiron Towers was present to answer questions. Randy Frazier, Attorney representing Gridiron Towers, stated they understand councils concern regarding the location of tower placement at Ellen Smith Elementary School explaining they had asked Conway Public Schools to place this tower in the front but they preferred this tower be placed in the proposed location listed on the conditional use permit. Mr. Frazier stated there were some area neighbors present at the Planning Commission meeting and this issue was discussed with them. Mr. Frazier stated there is extensive fencing, a brick wall, and landscaping around the tower being proposed at Ellen Smith Elementary. Mr. Frazier stated cell towers are driven by radio frequency design for the optimal coverage of particular areas; Verizon is contracted for these towers which will help ensure their footprint. Mr. Frazier stated two other cellular carriers will be placed on these towers for co-location capability. After further discussion the motion passed 5-3. Alderwoman Whitmore, Alderman Pruitt, and Alderman Grimes voted in opposition.

- 1) All prescribed conditions per the Conway Zoning Ordinance shall be met along with the three specific conditions below.
- 2) A brick wall at least 6 feet in height shall surround the enclosure. Any security fencing shall be behind this brick wall out of sight. The service gate shall be constructed with ornamental iron or equivalent.
- 3) A hedge row 30" in height at the time of planting shall be provided around the base of the brick wall on the north, south, and east.
- 4) Flag lighting shall not trespass on neighboring properties.

9. Consideration of a request from Gridiron Towers for a conditional use permit to allow a transmission tower at northwest corner of Salem Road and Irby Drive.

Randy Frazier, Attorney representing Gridiron Towers, explained once again we have searched for a site that allows the radio frequency to cover an area where there is a need for more coverage; this site also meets all city setback standards and all FAA and FCC requirements. Alderman Hawkins motioned to approve the conditional use permit. Alderwoman Smith seconded the motion. After some discussion the motion passed 6-2. Alderman Grimes and Alderman Pruitt voted in opposition.

- 1) All prescribed conditions per the Conway Zoning Ordinance shall be met along with the two specific conditions below.

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- 2) A brick wall at least 6 feet in height shall surround the enclosure. Any security fencing shall be behind this brick wall out of sight. The service gate shall be constructed with ornamental iron or equivalent.
- 3) A hedge row 30" in height at the time of planting shall be provided around the base of the brick wall on the north, south, and east.

10. Consideration of a request from Gridiron Towers for a conditional use permit to allow a transmission tower at the southwest corner of Pat's Lane and Don's Lane.

Randy Frazier, Attorney representing Gridiron Towers, was present to answer questions. Alderman Hawkins motioned to approve the conditional use permit. Alderman Grimes seconded the motion. Wes Craiglow, Asst Planning Director, stated conditions 3 & 4 are contradictory. After some discussion Mayor Townsell recommended removing condition #4. Council concurred There was no further discussion. The motion passed 8-0.

- 1) All prescribed conditions per the Conway Zoning Ordinance shall be met along with the three specific conditions below.
- 2) Due to the lack of sight from a public right-of-way, a chain link fence enclosure of at least 6 feet shall be allowed.
- 3) Due to the lack of sight from a public right-of-way, no landscaping shall be required.

11. Ordinance to rezone property at 101 Hubbard Road from R-1 to PUD.

O-13-105

Chris Thornton, 42 Lakeview Dr, gave a synopsis of the outlined conditions set forth by the Planning Commission verses his requests for variations. The variations are as follows: Condition # 3 Sidewalks) applicant requests permission to eliminate 1 sidewalk along the road running inside the development, sidewalks will be constructed along Hubbard, long side of Carl Stuart, and longest side of the street contained inside the gated private PUD area. Condition # 5 Hardi-board) applicant explained he will use hardboard or LP Smart siding instead as their research shows it is stronger; however, it does not contain cement. Condition #6 Fencing) applicant proposes to receive architectural input to design a fence to be approved by the Planning Director. Jean Goss, 2753 E Fore, spoke in favor of the proposed development. Alderwoman Whitmore 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 Jones seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderwoman Mehl, and Alderman Hawkins. The motion passed 7-0-1. Alderman Grimes abstained.

- 1) Rezoning to PUD is conditional upon HUD approval for a 55+ community development.
- 2) PUD shall be generally developed as shown on submitted building rendering and site plan. Minor variations from submitted plan shall be allowed for technical reasons and shall include allowance of uniform 12-foot rear setbacks and side street setbacks.
- 3) Platting shall be required. Any additional right-of-way, sidewalks, etc., as required by the Subdivision Ordinance shall be dedicated and constructed except that sidewalks shall be constructed along Carl Stuart Street, Hubbard Road, and internal on the longest side of the private interior street. A second sidewalk along the interior street shall not be required.

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- 4) Setbacks. Building setbacks must be established and shown on the plat. These setbacks shall correspond with necessary utility easements.
- 5) Structures shall utilize Hardi-board, Smart-Siding, or similarly durable and impact resistant primary materials as approved by the City of Conway Planning Director. A variety of secondary materials for decorative elements shall be allowed including Hardi Board, Smart Siding, concrete, metal, or wood as approved by the City of Conway Planning Director.
- 6) The architectural design for the fencing shall be submitted to and approved by the City of Conway Planning Director.
- 7) PUD land use shall be limited to a maximum of 26 single family residential dwellings and typical accessory buildings. A community building up to 2000 square foot in area shall be allowed for the northwest corner of the PUD property.
- 8) A property owners association shall be formed in order to provide maintenance for common property including private streets, gates, fencing, and other common properties.
- 9) Twenty percent (20%) green space shall be provided through private yards and other permeable space throughout the development.
- 10) Exterior construction is prohibited from 8:00pm to 7:00am.
- 11) If required by the City Engineer, on-site drainage improvements shall be provided. Likewise, off-site drainage improvements may be utilized in lieu of, or in combination with, on-site detention per City Engineer's approval.

12. Ordinance amending the Northeast Old Conway Area specific plan to allow transitional housing at certain properties in the Brown's subdivision.

O-13-106

Alderman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Matt Bell, Executive Director Phoenix Recovery Center/Owner MFB Investments LLC, explained they have operated as a drug free living facility since May 2012 which consists of 16 duplexes on Shannon and Jersey St; we employ 6 full time employees, 3 of which live on site, 2 full-time house managers, and 1 part-time Chaplin and requested transitional housing be added to the zoning ordinance in order for the facility to continue to operate in this manner. Mr. Bell stated in the recent past concerns has arisen regarding our operations as a licensed transitional housing facility that accepts ex-prisoners from the Dept of Community Corrections (DCC). Mr. Bell stated we are currently approved with the Dept of Human Services (DHS) to provide transitional housing services to individuals, and are also approved with the DCC as a licensed transitional housing facility. Mr. Bell explained we are unique in that most transitional housing facilities operate outside the guidelines of habitation; the ordinance is clear where transitional housing is defined, which this ordinance has not covered and requests this addition to the ordinance. Mr. Bell stated we operate under very strict guidelines which include monitoring our clients, drug testing, and back ground checks; these guidelines are reviewed annually by the DCC and DHS and have been extremely successful; currently there are 95 individuals; 60-70% of our clients are parolees and 95% of them are currently employed which is key to their success. Mr. Bell stated we service approximately 3.5% of the parolee population and these individuals are scattered throughout Conway and Faulkner County; back ground checks are run on these individuals by the local parole office; sex offenders and violent offenders are not allowed. Mr. Bell stated we have had very constructive neighborhood meetings over the past 8 days, with one family voicing concerns, but the majority of the neighborhood supports our continued operation based on the amended conditions set forth. Mr. Bell stated the amended conditions include fencing, egress issues to keep traffic out of the neighborhood and Ingram, and \$10,000.00 to be used

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for a neighborhood beautification project. Mr. Bell stated we have limited the offenses to not include robbery or firearm charges, but the clientele we are serving all have alcohol and drug dependency issue which is our primary function; this also includes veterans and individuals with disabilities. Frank Shaw, 1327 Main St, stated having served in the criminal justice system since the early 1970's this is near to his heart; it is telling that Conway's zoning ordinance does not have a provision for transitional housing and this is only the beginning of what is needed here in our community. Mr. Shaw stated Conway needs a psychiatric hospital and a treatment center; currently we hold individuals with problems in jail until they can enter a facility elsewhere. Mr. Shaw stated we have the only college in Arkansas that offers a degree in addiction study and yet we do not have a treatment center. Mr. Shaw stated Mr. Bell can lease to individuals who receive a subsidy from DHS in order to assist them in getting back on their feet and rejoin society. Mr. Shaw stated if council does not approve this amendment the individuals can still live as they are now but there will be no 6 full time employees, 3 on site managers, no random drug testing, and security cameras. Mr. Shaw encouraged council to support this amendment and others that will allow facilities that are needed in Conway; there is not one bed in Conway for women, as our closest facility is Renewal Ranch in Perry County which only takes in men. Anthony Stanley, President Board of Directors of Habitat for Humanity of Faulkner County, stated he represents the interest of Habitat and its homeowners including the Veregas family, which is the only single family home located on the street that houses Phoenix Recovery Center. Mr. Stanley stated after many meetings with the Veregas family, Mr. Bell and our board of directors, feel all parties concerns have been properly addressed and believes we have reached an agreement that is satisfactory for all involved. Linda Paxton, 1258 Lincoln, explained after several neighborhood meetings over the past month the consensus of the neighborhood is to support this program and encouraged council to approve this amendment. Bob Steele, Senior Program Administrator for Youth Services, stated what we do daily aligns with what Phoenix Recovery Center is trying to provide; our biggest problem is transition; 60 - 75% of the youth we take in have substance abuse problems and asked council to support this facility. Shane Wilbanks, Executive Director Life-After Prison Ministries, spoke in favor of this program and explained many individuals support and look after these men and we have seen them give back to the community and feels this is a much needed facility. Mike Wilbanks, Life-After Prison Ministries, spoke in favor of this program. Calvin Crain, 1207 Jersey, stated he has lived in his home since 2000 and was initially concerned due to his young teenage boys. Mr. Crain stated one of his main concerns is foot traffic, but he is willing to keep an open mind and support the recommended conditions; he feels it is important to see how thing progress over the next 6 months. Whitney Fowls, Phoenix Recovery Center, explained the men who are currently in this center are someone's father, son, and brother and they deserve a second chance at life and our program offers them this opportunity. Ms. Fowls stated she has worked in several facilities around the state and has yet to see another facility provide them the type of opportunity they receive at Phoenix House; we are doing everything possible to change the lives of these men in order for them to be able to regain custody of their children; many of these individuals are homeless people from Faulkner County, and the ones from outside Faulkner County will return to their own county once they leave. Mayor Townsell stated we have some slight amendments to the initial 6 conditions, with an additional 4, and a suggestion of a six month review. Mayor Townsell stated we also need to think about how we would govern future expansion of this facility because one of the conditions would be added to the zoning ordinance in regards to the purchase of the Veregas home and the lot from Habitat for Humanity. The Mayor stated the only limitation he sees now is the basic design of the lots,

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which can be subdivided, and the requirement limiting no more than four persons occupy one dwelling unit. The Mayor asked how the city will regulate what we can be allowed. Mr. Bell stated most of this deals with occupancy which is a maximum of 4; the Bragus House has 5 bedrooms which could technically house 10 individuals, 2 per bedroom, but we are restricted by 4 and stated he does not plan on varying from that. Mr. Bell stated his intention is to build a duplex on the Habitat lot which could house 4 per duplex; as he understands it this lot used to have a duplex on it. The Mayor stated his underlying question is does this revert back to the underlying zoning, what can be done with that zoning, and how do we regulate this. Wes Craiglow, Assistant Planning Director, stated it would revert to T-4. There was discussion among council with Alderman Jones voicing concerns over what he was told initially would be going in this area as he feels he was misled to some extent. Alderwoman Smith stated she is not opposed to the facility, but is opposed to the location. Alderwoman Whitmore stated she attended the meeting at the church and knew of one resident who stood up and spoke against this facility. Janet Thompson, 1209 Jersey St, stated her parents have lived at this residence since 1965, and at that time it was a nice neighborhood and feels it still has potential. Ms. Thompson stated we do not feel threatened by anyone in the neighborhood but she has had problems with neighbors; her concerns are what could be potentially constructed. Ms. Thompson stated we started seeing problems when the apartments and duplexes were built, and then there came a time the landlords no longer cared about their tenants and believes this is when crime increased in the area. Ms. Thompson stated she is concerned for the safety of her parents as she is not home during the day, however she is not opposed to a recovery center as she feels everyone deserves a chance to get help but she does not want to see the facility get any larger than it already is; she good for now as long as they adhere to the conditions. Ms. Thompson stated she agrees it would be a good to revisit this in six months. Alderman Grimes stated he is afraid if we start allowing gates on private streets we will open up issues we may not want to deal with. The Mayor stated what typically require the street to be closed and retain the easement. Alderman Hawkins stated he is concerned over how council will determine if this amendment is working. Michael Murphy, City Attorney, suggested using the DCC definition of transitional housing in section 2 of the ordinance. The wording for this is as follows: *"Transitional Housing: Transitional housing is a Department of Community Corrections licensed facility that provides housing for one or more offenders placed on Department of Community Corrections community supervision. An offender's home or the residence of an offender's family member shall not be considered a transitional housing facility for purposes of this ordinance."* After some discussion regarding Class C felonies the Mayor asked if we should eliminate the Class C reference. Mr. Murphy stated there is a state law regarding notification on these types of facilities that includes a reference to Class C felonies. It was agreed to change amendment #2 to read *"Said MFB Investments shall be allowed to offer prisoner transitional housing to approved and vetted parolees whose offenses shall not include violent offenses, sexual offenses, robbery offenses, or firearms offenses."* After some discussion of the proposed ordinance opening up the opportunity for others to open/operate a transitional housing in other neighborhoods, Mr. Murphy suggested amending the regular zoning ordinance to make this issue perfectly clear in regards to this issue. Mr. Craiglow stated once an agreed upon definition of transitional housing is reached, this type of request could be added as a conditional use request in every zone across the city. Alderwoman Mehl motioned to adopt the ordinance with the 6 month review in order to review compliance of conditions. The Mayor reiterated that condition 5 shall not allow more than 4 individuals in any one dwelling unit on the current lot arrangement. Alderman Pruitt seconded the motion. Mr. Craiglow asked if the intent is to allow 2 dwelling units per lot. The Mayor

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stated yes, if that is the underlying zoning. Mr. Craiglow stated in essence you are giving them permission to use duplexes on any one of these lots. The Mayor asked for clarification on the underlying zoning. Mr. Craiglow stated the underlying zoning is T-4; prior to this zoning was R-2 which has the lots as they are currently arranged. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Pruitt, Alderman Ledbetter, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 5-3. Alderman Jones, Alderwoman Whitmore, and Alderwoman Smith voted in opposition. The approved conditions are as follows:

- 1) Transitional housing services may only be operated by MFB Investments, LLC; 100 Gamble Road; Little Rock, AR; 72211. Any transfer of ownership will require City Council approval through an amendment to the Northeast Old Conway Area Specific Plan.
- 2) Said MFB Investments shall be allowed to offer prisoner transitional housing to approved and vetted parolees whose offenses shall not include violent offenses, sexual offenses, robbery offenses, or firearms offenses.
- 3) A six foot wooden privacy fence must be constructed and maintained along the rear (west property line) of the lots along Ingram Street.
- 4) Medical, psychological, and drug rehabilitation support services may not be offered onsite.
- 5) No more than four persons may occupy any one dwelling unit. Any construction is limited to the existing platted lots and must be compliant to the original R-2 zoning that allows two units (duplex) per lot with no more than four occupants per unit.
- 6) A 5-foot-wide concrete sidewalk shall be constructed for access from Jersey Street to Ingram Street.
- 7) MFB Investments, LLC, shall appear before City Council again in six months for Council review for compliance to these conditions. Community input will be heard at that time.
- 8) With approval from the appropriate City authorities, the streets internal to this facility shall be closed and designated as unbuildable space with all easements being retained. After streets are closed, an electronic gate shall be installed at the Jersey Street entrance to the property.
- 9) MFB Investments shall donate \$10,000.00 for a beautification project with the City and/or the neighborhood for landscaping and the planting of trees throughout the neighborhood.

Alderwoman Grimes motioned to move the finance items up on the agenda. Alderman Pruitt seconded the motion. The motion passed 7-1. Alderman Hawkins voted in opposition.

Ordinance authorizing the reclassification of a Payroll Officer to a Budget Analyst II for the Conway Finance Department.

O-13-107

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Tyler Winningham, CFO, explained when reviewing where he wanted to take this position into the future the pay was not set to bring in an experienced employee and requested council approve this reclassification from Payroll Officer I/Budget Analyst I to a Budget Analyst II with the pay increasing to \$41,211.00. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

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Consideration to approve the monthly financial reports ending August 31, 2013.

Alderswoman Mehl motioned to approve the August 2013 financials. Alderman Ledbetter seconded the motion. There was no discussion. The motion passed 8-0.

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

- 1. Ordinance appropriating revenue funds received from Southern Farm Bureau for the Conway Physical Plant.**

O-13-108

Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 8-0. Alderswoman Smith motioned to adopt the ordinance. Alderswoman Mehl seconded the motion. The amount received was \$533.00. The clerk called the roll with the following voting "Aye": Alderswoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderswoman Whitmore, Alderman Grimes, Alderswoman Mehl, and Alderman Hawkins. The motion passed 8-0.

C. Finance

- 1. Ordinance authorizing the reclassification of a Payroll Officer to a Budget Analyst II for the Conway Finance Department.**

Item moved up on the agenda.

- 2. Consideration to approve the monthly financial reports ending August 31, 2013.**

Item moved up on the agenda.

Alderswoman Hawkins motioned to suspend the rules to add an item to the agenda. Alderswoman Mehl seconded the motion. The motion passed 8-0.

Resolution authorizing the City Attorney office to act pursuant to ACA 18-15-201 seeking condemnation by eminent domain.

R-13-54

Michael Murphy, City Attorney, explained this is another resolution in regards to the Western Loop which authorizes his office to file eminent domain proceedings; this is not a highly contested matter, it is more of a title problem. Mr. Murphy stated this will also allow the city to enter the land and do the necessary work. Alderman Hawkins motioned to adopt the resolution. Alderman Pruitt seconded the motion. There was no discussion. The motion passed 8-0.

D. Old Business

E. New Business

Adjournment

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PASSED this 24th day of September 2013

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett