
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
January 14, 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 Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Pruitt and Alderman Jones were not in attendance.

Call to Order: Mayor Tab Townsell

Roll Call: City Clerk/Michael O. Garrett

Minutes Approval: December 17th, 2013 & December 23rd, 2013 (Special)

Alderwoman Whitmore motioned to approve the December 17, 2013 and December 23, 2013 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

1. Report of Standing Committees:

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

1. Consideration to enter into agreement with Faulkner County Senior Citizens, Boys & Girls Club of Faulkner County and FCCDD for transportation services.

Alderman Hawkins stated the amounts are \$55,000.00 for Faulkner County Senior Citizens and Boys & Girls Club of Faulkner County, and \$30,000.00 for FCCDD. Alderman Hawkins motioned to approve these agreements. There was no discussion. The motion passed 6-0.

2. Consideration to accept nominations for the Conway Tree Board.

Alderman Hawkins stated the board recommended approving the individuals listed below whose terms will all end in December 2016 and motioned to accept these nominations. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

- Daniel Derden - filling a vacant position
- Tonya Musial - serving a second term
- Trey Massingill - serving a second term

3. Consideration to accept the nomination for the Bicycle & Pedestrian Advisory Board.

Alderman Hawkins stated the board wishes to approve Adam Davis for the position member-at-large for a three year term. Alderman Hawkins motioned to accept the nomination of Mr. Davis. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

4. Consideration to waive the temporary fencing fees for property located at 912 Front Street.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Hawkins stated on December 10, 2013 council waived \$2,615.00 of incurred expenses by the City for temporary fencing at this location, however the property had additional incurred expenses related to the fencing totaling \$5,599.50. Mayor Townsell suggested waiving these fees for consistency; this will reduce the lien by this amount. Alderwoman Whitmore motioned to approve waiving the incurred fencing fees. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 5-2 with the Mayor voting with the majority. Alderman Ledbetter and Alderman Smith voted in opposition.

5. **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-14-01

Alderman Hawkins stated the property address is 526 First Avenue; the cost of cleanup was \$169.29 (\$126.63 + Penalty \$12.66 + 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 6-0.

R-14-02

Alderman Hawkins stated the property address is 423 Mildred Street; the cost of cleanup was \$169.29 (\$126.63 + Penalty \$12.66 + 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 6-0.

6. **Resolution setting a public hearing to discuss the closing of a portion of South Baridon Street in Bear's Den Subdivision.**

R-14-03

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The public hearing will be held January 28, 2014 at 6:30 pm. The motion passed 6-0.

7. **Resolution setting a public hearing to discuss the closing of an alley running west to east in the R.L. Hayes Addition Block 3 (815 4th Avenue).**

R-14-04

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The public hearing will be held January 28, 2014 at 6:30 pm. The motion passed 6-0.

8. **Consideration to acquire right of way from Walgreen for Oak Street Improvements (Court to Harkrider).**

R-14-05

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Ronnie Hall, City Engineer, explained the City needs approximately 3,555 sq ft of property on the north side of Oak Street, to complete the Oak Street Improvements, between Court and Harkrider; the appraised property value is \$57,100.00, \$11,000.00 for sign replacement, and \$8,900.00 for value of parking lot improvement cost, totaling \$77,000.00. Mr. Hall explained the offer has been presented to Walgreens, but we have had no communication back from Walgreens. Michael Murphy, City Attorney, stated he corresponded with Mr. Kaufman, as you can see in the emails provided in the packet, Mr. Kaufman communicated he would forward the offer onto the appropriate individuals; as of yesterday, we have had no communication from Walgreens. Mr. Murphy stated, he mentioned to Mr. Kaufman, condemnation procedures could be started, in order to meet the City's timeline, but negotiations could still ensue. Mr. Murphy stated he had a resolution for condemnation ready, if council so desires to move on this issue tonight. After some discussion Alderwoman Whitmore motioned to start condemnation proceedings. Alderwoman Whitmore motioned to suspend the rules to consider the condemnation resolution. Alderwoman Smith seconded the motion. The motion passed 6-0. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell stated reiterated this is to expedite the process so we can proceed with our street project. There was no further discussion. The motion passed 6-0.

9. Consideration for Tract 75 to be provided a rent subsidy in conjunction with the Conway Western Arterial Loop Project (Baker Willis Parkway).

Ronnie Hall, City Engineer, explained the renters who were displaced on this tract have requested an eligible rental subsidy in the amount of \$12,600.00. Alderwoman Smith motioned to approve the request. Alderwoman Whitmore seconded the motion. There was no discussion. The motioned passed 6-0.

10. Consideration to approved 2014 Street Improvement Projects for the Conway Street Department.

Ronnie Hall, City Engineer, explained the following street projects were agreed upon during the committee meeting earlier tonight; these will be funded by Impact Fee funds unless notation states otherwise. The recommended projects are as follows:

Street Reconstructions:

Wescon Lane (Parkplace to College - to be funded by the Street Fund)
Artis Lane (Lee Andrew to Dave Ward)
S. Donaghey - Favre Lane roundabout
Washington Ave. (Winfield to Front)
Pin Oak (Shady Lane to Water Oak)

Street Overlays:

Jaci to Amos to Woodland Spring
Nathan Dr to Jaci to Autumn Wood
Autumn Wood to Springwood to Nathan
Hubbard to Bruce to College
Westport Circle

Additions:

Padgett (turn lane in front of Woodrow Cummins School)

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Sidewalks (to be paid from the sidewalk fund):

Robinson Ave. across Laural Park

Tyler (Donaghey to the library - north side)

Tyler (Library to Meadowbrook - north side)

Mr. Hall stated suggested consideration using the remaining Impact Fee funds be used on Lollie Road (inside city limits), ask the county to repair the county portion of Lollie Road, and ask the Conway Corp contractors to contribute their share, to cover the damage to Lollie Road, that has occurred. Alderwoman Mehl stated she would like include construction of as much sidewalk on Tyler as possible. Alderwoman Smith motioned to approve the listed street/sidewalk projects. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

- 11. Ordinance accepting & appropriating funds from Faulkner County for GIS per interlocal agreement with the Planning and Development Department.**

O-14-01

Alderman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The Mayor called the roll with the following voting "Aye": Alderwoman Smith, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0.

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

Mayor Townsell explained items 12 and 13 need to be held in committee, as the legal advertisement stated these issues would be discussed on January 28, 2014. Alderman Hawkins motioned to hold items 1A-12 and 1A-13 in committee. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

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

Item held in committee.

- 14. Ordinance to rezone property located at the southwest corner of Prince Street and Farris Road (963 & 975 Farris Street and 2515 & 2525 Prince Street from O-1, O-2, and R-1 to C-2.**

Frank Shaw, Attorney representing the applicant, Kum & GO, stated the immediate issue tonight is the need for the applicant modify their site plan; a large revised site plan was set up and viewed by council. Mr. Shaw explained this site plan allows for the building to be moved to the south and west and moves one ingress/egress. Mr. Shaw asked his options since there is not a full council in attendance tonight. Bryan Patrick, Planning & Development Director, stated if the item is pulled the applicant would have to wait 1 year to bring the item back, get a two-thirds vote from council to come back in less than 1 year, or get a two thirds vote from the planning commission to come back in less than 1 year.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Grimes stated he does not mind if the applicant goes back before the planning commission, but stated he would not vote for a gas station at this location because it is too close to the core of down town, too close to an area that is still more residential and less commercial, and feels it would be a planning mistake. Mr. Shaw asked Michael Murphy, City Attorney, if this can be tabled until which time a full council is in attendance. Mr. Murphy stated council can table the issue if they desire. Mr. Shaw stated he has been instructed to pursue this rezoning and stated he would like to get approval tonight, to go back to the planning commission, or table the item for up two weeks. After some discussion Alderman Grimes motioned to allow the applicant to go back to the planning commission and start their process over. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0.

15. Consideration of a request from Kum & GO for a conditional use permit to allow gas pumps for property located at 963 & 975 Farris Road and 2515 & 2525 Prince Street.

Item included with #1A-14 above.

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

1. Consideration to accept annual bids for green and blue carts for the Sanitation Department.

Mayor Townsell asked that this item be held in committee. Alderwoman Smith motioned to hold this item in committee. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

C. Personnel

1. Ordinance appropriating funds for the fitness facility membership for City Employees and retirees for FY2014.

Lisa Williams, HR Director, stated this was approved in December 2013, but was left out of the budget. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. The amount for the 2014 fitness facility membership is \$16,237.50 which will be paid from the general fund. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Ledbetter, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 6-0.

Adjournment

PASSED this 14th day of January 2014

APPROVED:
