
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
April 10, 2007

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

1. *Call to Order*
2. *Roll Call*
3. *Minutes: March 27th, 2007*

Alderwoman Whitmore motioned to approve the March 27, 2007 minutes as submitted. Alderwoman Smith seconded the motion.

4. *Recognition of Guests:*
5. *Public Hearings:*

A. *Public hearing to discuss closing an easement in the south fifteen feet of Lot 1A-1 of the re-plat of Lot 1A in Scherman Heights.*

1. **Ordinance closing a utility easement located at the south fifteen feet of Lot 1A-1 of the re-plat Lot 1A in Scherman Heights.**

O-07-34

Mayor Townsell opened the public hearing. Bobby French, Central Arkansas Prof. Surveying, stated the lot went further south and the re-plat will move the lot line. Mayor Townsell closed the public hearing. 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.

B. *Public hearing to discuss closing West Simms Street in the Blaney Subdivision.*

- 1. Ordinance closing a portion of West Simms Street (unimproved between Hubbard and Denison Street.**

O-07-35

Mayor Townsell opened the public hearing. Brandon Potts stated he wants to close an easement in this location for building setbacks. City Engineer, Ronnie Hall, stated that the city needs to maintain a drainage easement here as well. It was noted that a section of paragraph 3 of said ordinance should be amended to read *“the closure of said right of way of West Simms as long as a 15 foot utility and drainage easement remains centered on the existing utility due to an electric/CATV line in the said portion of West Simms”*. Mayor Townsell closed the public hearing. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderwoman Mehl asked if a street would ever need to be put through this area. Mayor Townsell stated no. 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.

6. *Report of Standing Committees:*

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

- 1. Consideration of entering into an agreement and an ordinance appropriating funding for the Faulkner County Senior Citizens Program & Faulkner County Council of Developmental Disabilities for transportation services.**

O-07-36

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. Mayor Townsell stated this will cover the unfunded shortfall due to cuts in CDBG funding. \$26, 338 shall be appropriated from the General Fund – Fund Balance Appropriation Account (01.990) to account (01.106.863).

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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.

O-07-37

Mayor Townsell stated this is a new funding request that deals with the increased need for transportation assistance and funding sources are drying up. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderman Jones seconded the motion. \$12,500 shall be appropriated from the General Fund – Fund Balance Appropriation Account (01.990) to account (01.106.872). 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 a parking lot variance for Hendrix College.

Loyd Ryan, Hendrix College, stated when the Harkrider St. project begins Hendrix will lose half of their parking spaces and are asking for permission to build a temporary parking lot north of the new Wellness Center. Alderman Bell motioned to approve the variance. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

3. Ordinance accepting the annexation of certain lands located south of Cresthaven Subdivision Phase II west of Mill Pond Road.

O-07-38

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Smith 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.

4. Consideration of an overlay variance by Roy Martin for property located at the corner of South Donaghey Avenue and Dave Ward Drive.

Roy Martin, Central Arkansas Real Estate, stated during the planning/rezoning phase of the property, the additional right of way needed for Donaghey was overlooked. Mr. Martin stated he is fine with giving the city whatever right of way is needed, but

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in doing so the landscape design on Donaghey would be in the right of way and it would also intrude on the Donaghey driveway about 6 ft and requests permission to landscape and put the driveway edge within in the right of way they are donating. Alderman Hawkins motioned to grant the three variances. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The 3 variances in this request are listed below:

1. A variance from the requirements for 35 ft of front setback.
2. A variance from the requirements for 20 ft of landscape buffer exclusive of street right of way.
3. A variance to allow berms and or screening within the street right of way.

5. Ordinance amending the fees collected by the Conway Planning Department.

Item withdrawn.

6. Ordinance amending the fees collected by the Conway Permit/Inspection Department.

Item withdrawn.

7. Consideration of bids for a demolition of the structure located at 1905 Meadowlake Drive.

Alderman Hawkins stated 3 bids were received for the demolition of said property. Alderwoman Smith motioned to accept the low bid from Poor Boy's Handyman Services in the amount of \$1450.00. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

8. Consideration/ordinance of rezoning property from A-1 to PUD by Esmeralda Castro for property that is located on the west side of Churchill Drive between Spring Valley Drive and Morning Glory (1655 Churchill Drive).

O-07-39

Bill Atkinson, Attorney at Law, stated in July 2006 the applicants Esmeralda and Jose Castro sought an MF-1 rezoning on the property and was denied due to opposition from neighbors in Spring Valley. Mr. Atkinson stated a PUD was unavailable at the time due to the size of the lot, but in November 2006 the lot size for a PUD has been decreased to one acre. The Castro's wish to construct six buildings with two townhouses each. Alderman Jones asked why the applicants put houses there. Mr. Atkinson stated by the time utilities are run to the property it would not be economically feasible to accommodate 3 or 4 lots. Bryan Patrick, Planning Director, stated this plan is one they recommend as Ms. Castro has worked extensively with the planning dept on the concept of this development. Chris Sullivan, resident of Spring

Valley Subdivision, stated when the development started he wanted a PUD, but feels that building 2 story apartments in front of the subdivision diminishes the value of the property and he thought that this area was going to be quiet office, not 2 story townhouses and also stated there are no 2 story structures in Spring Valley. Jamie Stratton, 2335 Dahlia, stated she feels single family homes should be built at this site, not 2 story structures. Lindsey Campbell, 2260 Morning Glory Ln., feels the townhouses will be sold to investors as rental units and is against the proposed project. Roger Anderson, 1635 Ivy Cove, feels this area is not the place for multi-story / multi-family units. Michael Garlington, 1790 Wisteria Ln., expressed his concern about the crime rate with multi-family dwellings and is against the proposed project. Lauren Brooks, 1610 Ivy Cove, spoke against the proposed project. The Mayor closed the public hearing. Alderwoman Smith motioned to deny the rezoning. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

9. **Consideration/ordinance of a rezoning property from R-2 to C-3 by Steve and Tracy Gafner for property that is located approximately 270 feet south of East Oak Street immediately east of Conway Commons Shopping Center.**

O-07-40

Wendy Hill, Attorney at Law, stated her clients Steve and Tracy Gafner want to expand their body shop but in doing so the expansion will consume most of the parking area. Ms. Holmes stated when the Gafner's originally applied to rezone 200 ft to C-3 the Planning Commission suggested they rezone the whole 900 ft. Ms. Hill stated they are requesting to rezone only 200 ft.; they do not want an entry way to the property from Dendron St. The area is surrounded by woods and that a 12 ft steel privacy fence will be constructed. Ms. Hill addressed several concerns voiced by area neighbors and stated the Gafner's just want to expand their business and she feels they will do what is necessary to meet the needs of the area. Mayor Townsell asked if there is any way to ensure the driveway from the Gafner's rental house on Dendron St. is not used for commercial traffic. Michael Murphy, City Attorney, stated no. Bryan Patrick, Planning Director, added the driveway is platted as an access right-of-way. Tracy Gafner explained that all their larger diesel trucks are kept off site on leased property because there is no room for them at this location. David Michael, 44 Dendron St., stated the gravel lot will absorb the oil and other fluids from the vehicles but when it rains the runoff will most likely flow into the nearby creek which eventually flows into Lake Conway which is 2.76 miles down stream. Mr. Michael wondered who would pay the cost of having Lake Conway cleaned up and he stated most likely the city. David Rimlinger, 45 Dendron St., stated the homes located on Dendron St. are mostly retirement homes of the people who reside in them and these people have lived most of their adult life in these homes. They have seen the area grow which in turn brings more traffic, and traffic accidents. He stated that a wrecker service is a 24 hour business and that a fence is not going to stop the noise pollution. Gene Bartley, spoke on behalf of a relative who resides at 46 Dendron, stating that Steve's Auto would soon outgrow their proposed

expansion even if the rezoning should be approved and feels like they already are too big for the location they reside at. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Grimes seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to deny the rezoning. 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 Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

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

1. Consideration to accept bids on 30 yard containers for the Conway Sanitation Department.

Mayor Townsell stated the low bid was from Crain Mfg. Inc. for \$54,975.00. Alderman Bell motioned to accept the low bid. Alderman Jones seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance accepting auction proceeds, disposing of equipment and appropriating additional funding for equipment at the Sanitation Department.

O-07-41

Mayor Townsell stated this ordinance accepts \$78,000.00 in auction proceeds (which will be place in account 23.118.920) which will partially fund the purchase of a roll off truck. The remaining funds (up to \$37,000.00) shall be appropriated from the Sanitation Enterprise Fund Balance Account (23.990). 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 Whitmore 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.

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

1. Ordinance waiving bids procedures for the purchase of office equipment for District Court.

O-07-42

Mayor Townsell stated this equipment is already purchased and installed, bids were obtained and District Court did select the low bid from Tab Products Co. for

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\$15,416.47. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore 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": 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. Consideration of an appeal of ruling by the Old Conway Design Review Board by John & Joyce Hardin with a property address of 1215 Hunter Street.

Item withdrawn.

B. Consideration of bids for The Meadows Subdivision (Phase 2) street and drainage improvements.

Alderman Grimes motioned to accept the low bid from Robinson Backhoe & Dozer in the amount of \$1,385,355.76. Alderwoman Smith seconded the motion. The motion passed 5-3. Alderman Vaught, Alderwoman Whitmore, and Alderman Jones voted in opposition.

C. Consideration of street projects for the City.

Ronnie Hall, City Engineer, stated the list has been modified to reflect the discussion at the last council meeting. Mr. Hall went on to say that \$521,000.00 in reserve funds have been drawn down which will give the street dept. enough money for the Harkrider St. improvements plus an additional \$200,000.00 to the overlay fund to complete the projects that have been approved by council. Alderman Hawkins motioned to approve the projects. Alderwoman Mehl seconded the motion. Mayor Townsell noted that this includes the \$20,000.00 loan from Ward 4 to Ward 3. There was no further discussion. The motion passed 8-0.

8. New Business

A. Consideration to accept the offer and acceptance from Robert Garrett, Jr. for property located at 917 East Siebenmorgan Road and 1001 East Siebenmorgan Road.

Mayor Townsell stated this is for properties located at the corner of Bob Courtway and Siebenmorgan and noted this property is adjacent to the property the school district gifted to the city. Alderman Bell motioned to give Mayor Townsell the authority to move forward with the offers. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Alderman Grimes asked the status of the Pompe property. Mayor Townsell stated there is an offer and acceptance on the table but the owners have not responded. Alderman Grimes motioned to attach a deadline of April 30, 2007 for the purchase of the Pompei property. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

B. Ordinance amending excavation permit which establishes the requirements and standard's for excavation.

O-07-43

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Hawkins 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.

C. Discussion/consideration of City Parks.

Mayor Townsell stated he believed the decision of having all boys baseball facilities located at YBMA Fairgrounds were clear, but the Mayor learned last week that there were some misunderstandings with some of the Parks Advisory Committee members. Mayor Townsell stated as we move forward the city will have to decide what to do with each piece of land; otherwise we will have to go back and bring someone in to design a master plan for these projects from the time of the A & P Tax was implemented and that would be an acknowledgement that the past 18 months has been wasted. Mayor Townsell stated after the meeting with the consultants several things were discussed including the idea of not having an entrance off of Robins St., the need to limit the amount of parking inside, if not absolutely, then by having pervious pavement which is grass that can be parked on. Another option would be to move some parking over to Center St. It was also discussed to shrink the footprint of the Boys and Girls Club by use of shared facilities, or moving it to a location nearby. Mayor Townsell doesn't feel it is appropriate to split the boy's league play between other locations. Alderwoman Smith concurred and went onto say that her main concern in relocating the fairgrounds. Mayor Townsell stated if the traveling teams don't have to play league, we will have a 10th field at Lake Beaverfork; and that YBMA is a perfect size for a complex and for tournament play. Mayor Townsell stated we can build 12 fields, and it will be too small eventually, but Mayor Townsell feels we should go ahead and build the 9 fields at YBMA and then look at another 9 field implementation elsewhere down the road as it is needed. Alderwoman Smith motioned to tweak plan B. Alderwoman Mehl asked Mayor Townsell to restate what

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needs to be considered. Mayor Townsell stated the following is what needs to be considered:

- The road needs to come through where Conway Boulevard is, as it is the main broad entrance.
- Deciding if we want to cut back on the Boys & Girls Club in the northwest corner by 2/3, but also shifting it over to the northeast corner.
- Repositioning the signature field if it remains the signature field.
- Consider allowing a large portion of the parking on Center St. consist of the pervious pavement so grass can be grown on it during the year when vehicles will not be parked there.
- Possibility that the water tower will not remain.

Alderwoman Smith motioned to move forward with the changes that have been discussed. Alderman Grimes seconded the motion. This motion includes leaving the Boys & Girls Club where it is. There was no further discussion. The motion passed 7-1. Alderman Vaught voted in opposition.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 10th day of April 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett