
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 5:00 pm
February 1, 2016

On this date the City Council of the City of Conway, Arkansas met in special session. The following members being a quorum were present and acting: Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Attorney Chuck Clawson, and Karen Francis. City Clerk Michael Garrett and Alderman Jones were not in attendance.

Call to Order: Mayor Tab Townsell

Roll Call: Karen Francis

1. Report of Standing Committees

A. New Business

1. Ordinance amending the Airport Overlay District Ordinance.

O-16-10

Mayor Townsell explained we have an item that will rectify a problem we discovered during a lawsuit and we want to correct this situation for our own purposes. Chuck Clawson, City Attorney, stated the top 2 pages are the ordinance that references the Conway Height and Land Use Overlay District which was passed by this body in 2011, along with the Airport, in trying to prevent certain land use restrictions based on a 10,000 foot area around the Airport, to prevent health and safety issues for airplanes landing etc. Mr. Clawson stated in 2013 there was attempt to add design standards to the overlay district and in doing so it brought in an old version of the overlay district from 2011 or earlier. Mr. Clawson stated this ordinance brings in the correct version of the overlay district and adds the design standards, and stated there are 3 exhibits attached referencing the overlay district; exhibit A is a legal description, exhibit B includes 2 maps developed by Garver, that reflects landing zones and heights and elevations etc., and exhibit C is the Zoning and Development Design Standards along with an additional map and a legal description. Mr. Clawson stated the main change in the language relates to the grandfathering in of uses; the incorrect version went with the owners of the property but from the original version of the overlay district that was properly passed in 2011; it should go with the uses of the property so the people that are now farming, can continue to farm even if he property is transferred or otherwise sold. Alderman Hawkins asked how it affects the lawsuit. Mr. Clawson stated it does not necessarily; basically one of the claims in the lawsuit is that they suffered a loss in value of the property as they believe the restrictions of the land use ended with one of the owners and even in the incorrect ordinance it does not necessarily do that, and stated a lot of it had to do with the interpretation of some of the provisions and Mr. Clawson feels that this ordinance will completely clear this up and takes away any doubt as to the current uses of the property and their being able to exist beyond the transfer of the property. Mayor Townsell stated there are other issues that this will not clear up. Mr. Clawson concurred. Mayor Townsell stated weather it is this particular land owner or others, in the affected

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area, the ordinance we ended up with was not our intention, but this ordinance does put our intention in place. Mr. Clawson stated this does not amend an ordinance as this ordinance is repealing both previous ordinances and this ordinance will stand alone. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. The motion passed 6-0. There was no discussion. Ms. Francis called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore.

Adjournment

PASSED this 1st day of February 2016

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett