
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
March 24th, 2015

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 Mehl, Alderman Pruitt, Alderwoman Smith, Alderman Ledbetter, Alderman Hawkins, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson. Alderman Grimes was not present.

Call to Order: Mayor Tab Townsell
Roll Call: Michael O. Garrett, City Clerk/Treasurer
Minutes: March 10th, 2015 City Council Meeting

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Employee Service Awards:

25 Years:

Tony Harrington, Physical Plant Director - Physical Plant
Captain Kevin Moix - Fire Department
Battalion Chief Charles Prout - Fire Department
Battalion Chief Robin Roberts - Fire Department

1. Report of Standing Committees:

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

1. Ordinance amending Ordinance O-13-116 appointing new members & establishing terms for the Central Business Improvement District No. 1.

O-15-32

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Alderman Ledbetter asked how many new members are there. Mayor Townsell replied this is replacing one of the original board member's term. There was no further discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

2. Ordinance authorizing the City to enter into an agreement with the Arkansas Department of Environmental Quality for property located at 1110 Spencer Street.

O-15-33

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Smith motioned to waive the readings of the ordinance. Alderman Ledbetter seconded the motion. The motion passed 7-0. Alderman Ledbetter motioned to adopt the ordinance. Alderman Smith seconded the motion. Scott Grummer, CDBG, stated this agreement will allow us the ability to establish a process to receive certification and we can choose to leave the agreement at any point. Alderman Hawkins asked how much dirt needs to be taken out. Mr. Grummer replied he does not know as of right now. There was no further discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, Alderman Jones, and Alderman Whitmore. The motion passed 7-0.

- 3. Resolution expressing the willingness of the City to utilize federal aid transportation alternative and recreational trail funds to develop the Dave Ward Drive Pedestrian Bridge Overpass.**

R-15-17

Alderman Hawkins motioned to adopt the resolution. Alderman Smith seconded the motion. Mayor Townsell explained this is one of the periodic recreational Federal Aid funds through the Department of Transportation that we have applied for and have used before on other phases of the trail. Mayor Townsell stated we are applying with University of Central Arkansas (UCA) to get this pedestrian bridge built that will allow a safe crossing on Dave Ward Drive and connect the bike and walk paths in south Conway. There was no discussion. The motion passed 7-0.

- 4. Resolution to accept maintenance, operations and right of way of state Highway 60 Spur (South Donaghey Avenue) from the Arkansas Highway and Transportation Department.**

R-15-18

Alderman Whitmore motioned to adopt the resolution. Alderman Smith seconded the motion. Finely Vinson, City Engineer, stated this Resolution removed a requirement that the Street Dept. could not commit to from a similar Resolution that was passed earlier this year. Mr. Vinson stated the Arkansas Highway and Transportation Dept. (AHTD) no longer treats this street as a highway as it operates as a city street. There was no discussion. The motion passed 7-0.

- 5. Consideration for approval to enter a credit purchase agreement for the box culvert construction for the 6th Street Overpass Improvements.**

Finely Vinson, City Engineer, explained this box culvert is drainage improvement underneath where the new Elsinger roundabout will go which is considered wetlands by the Federal Government. Mr. Vinson explained the Street Dept. has to purchase wetland credit in order to encapsulate the drainage, which is now a concrete ditch, and put it inside a closed infrastructure, which will be a concrete box culvert. Mayor Townsell explained this is in order to not interfere with these wetlands. Alderman Smith motioned to enter into this agreement. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

6. Discussion of closing Spruce Street to vehicular traffic in conjunction with the rebuilding of Washington Avenue.

Finely Vinson, City Engineer, stated the Street Dept. had the intent of cleaning up this intersection as a part of the Washington Street improvements and to close Spruce Street due to complications. Mr. Vinson explained Hendrix College has been interested in closing Spruce Street to remove vehicular movement for the safety of pedestrians. Mayor Townsell explained this would only close Spruce Street for vehicle use and would be open to pedestrians and for bicycle use to get to Washington and Markham Street. Loyd Ryan, Hendrix College Director of Facilities, stated his main concern is to rectify what is considered to be a dangerous intersection. Mr. Ryan explained there are 3 intersections and a pedestrian crossing that all come together in one location and the situation has gotten more dangerous due to the growth of Hendrix College. Mr. Ryan stated the most efficient way to solve this problem would be to close Spruce Street. Alderman Pruitt asked what Mr. Ryan's reservations are about reopening Pine Street. Alderman Pruitt explained in the Markham Street corner plan it would be beneficial to have a street going both East and West in that area. Mr. Ryan stated the concern for opening Pine Street back up is it comes within just a few feet of Hendrix apartments. Mr. Ryan explained to get all of the students who live those apartments to walk to Front Street to cross would most likely not happen. Mr. Ryan stated he believes reopening Pine Street would most likely be transferring the Spruce Street problem. Alderman Pruitt stated he believes this would get rid of the dangerous intersection and if the roundabout was added, there would be more parking. Scott Stephenson, Cleveland Street, stated he is opposed to closing Spruce Street because it would be transferring the problem. Mr. Stephenson explained there is a problem now on Winfield with traffic and would like more investigation into traffic calming on Winfield, realignment on Spruce Street, another roundabout, etc. to keep Spruce Street open. Mr. Stephenson stated he would like to see more thought put into this because it could still be possible to keep the street open. Emma McNulty, Winfield St, explained she lives at the corner of Harkrider and Winfield and the traffic has gotten very heavy. Ms. McNulty explained she does not believe the drivers realize there is a house or driveway right there. Ms. McNulty stated there have been accidents from her neighbor trying to back out. Ms. McNulty explained she has to wait for a long time to back out because there is traffic coming from both sides of the roundabout. Rita Wright, Winfield Street, stated she wanted to reiterate what has already been said that Winfield Street does have a distinction of having a roundabout on both ends of it. Ms. Wright explained it has unfortunately allowed traffic to move more rapidly on the street and the traffic counts have increased from approximately 2,000 to 7,000 on Winfield Street. Ms. Wright stated closing Spruce Street is a concern to the residents on Winfield Street and asked council to consider the issues they have now. Ms. Wright stated the speed limit is 20 miles per hour but they are driving between 40 to 50 miles per hour, so there should be more signage or stricter enforcement to this. Wes Craiglow, Davis Street, Planning and Development, stated the residents on Davis Street want to close Spruce Street primarily due to the danger of the S-curve intersection, Spruce Street access for the pedestrians, and the drive way for the Hendrix apartments. Mr. Vinson stated there are approximately 4,200 cars per day at Spruce Street and Markham. Mr. Craiglow stated there needs to be a place for those approximate 4,200 cars a day to go if Spruce Street closes and they will either go to the North side or South side of the campus. Mr. Craiglow stated Winfield has gone from approximately 2,300 cars per day in 2003 to approximately 6,900 cars per day in 2013. Mr. Craiglow suggested realigning the unsafe intersection south and making it a 4 lane intersection and moving Washington further south which will create a 90 degree intersect.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Mr. Craiglow stated Pine Street is exactly 50 feet wide, which is what is needed to permit 2 lanes of traffic. Mr. Craiglow stated the Planning Dept. can attempt to create a Washington Street and Pine Street realignment that could prioritize driving, cycling, and pedestrian traffic and as well as parking and safety. Alderman Pruitt asked if we could do the same cross walk on Pine Street that Hendrix Village has, where the cross walk is right in the middle, so that way pedestrians from both sides would have an equal amount to walk. Mr. Craiglow replied yes we could do that. Alderwoman Smith stated Winfield is officially a collector street and it is not a typical 2 lane street. Alderwoman Mehl stated it was brought to her attention that around schools the speed limit cannot be more than 25 miles per hour and asked if that is true, does it include colleges and universities. Mr. Vinson replied there is no engineering standard he is aware of; that would be a state law if it is true. Mr. Ryan stated he will look into it. Alderwoman Mehl stated the speed limit needs to stay consistent and right now it is not. Alderman Jones stated speeding is more of the issue than the speed limit signs. Mayor Townsell stated opening Pine Street would require the full corporation from Hendrix College and encouraged Hendrix College to consider this because it is manageable. Mayor Townsell stated he believes part of those approximate 4,200 cars a day will still go to Spruce Street because that is where they park and where their building access is. Mayor Townsell explained Winfield Street is a collector street left over from before the roundabouts and we have had former 2 lane roads that turned into 3 lane roads for up to 15,000 cars per day. Alderwoman Mehl stated we have those roundabouts and have designed that so that is where the traffic was directed. Alderwoman Mehl asked what options are available for Winfield Street. Alderwoman Smith stated there is the option of parallel parking back on Winfield Street, which would calm traffic. Alderwoman Mehl stated she would like to know how some of the Hendrix College residents would feel about parallel parking on Winfield Street. Mayor Townsell stated this is not on topic tonight, we have a driving issue on Spruce Street due to a construction project there. Mayor Townsell stated Pine Street and Winfield Street are broader topics than this and they can be scheduled for more discussion in a committee meeting. Alderwoman Smith stated she believes residents on Winfield Street could not get out of their drive ways if there was parallel parking on the street. Alderwoman Mehl stated it would only be on one side. Alderman Ledbetter stated he believes it would be good to leave Spruce Street as is. Mr. Stephenson asked if the Pine Street construction does not work what happens. Mr. Ryan stated there is still an issue for all of the students at the apartments crossing the street at the pedestrian crossing. Mayor Townsell asked Mr. Vinson when the decision needs to be made for the project. Mr. Vinson replied by next council meeting. Mayor Townsell asked Mr. Ryan if he can wait until next council meeting for a decision. Mr. Ryan replied yes. Mayor Townsell stated there needs to be a decision for design purposes at the next council meeting. Alderwoman Mehl asked Mr. Vinson if the decision is not to close Spruce Street, how he would design to correct that interchange. Mr. Vinson stated the driveway that leads north into Hendrix's campus would be a connection to Spruce Street, and Hendrix's driveway would more than likely be off of Spruce Street. Mr. Vinson stated it would be a little close to the intersection which would represent some challenges and it may not be a huge entrance. Mr. Vinson stated he will draw a design for the next council meeting. Alderwoman Smith stated there are students from University of Central Arkansas (UCA) crossing on Donaghey to get onto their campus is there anything that can be done at the Hendrix pedestrian crossing on Spruce Street to make it like the one at UCA. Mayor Townsell replied there are students crossing all up and down Spruce Street because of the way it is laid out, but UCA does have their crosswalks going to certain crossing points. Alderman Ledbetter asked if there is a sidewalk on the south side of Spruce Street. The council talked among themselves and answered they do not think so.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Mehl asked if coming up with a design for Winfield could be the next committee meeting. Mayor Townsell stated we can schedule an off night committee meeting. Mr. Vinson stated he can talk to his superintendent and get a clear date on this if he needs to and email council. Mayor Townsell stated we need more time to discuss this with the extended implications. Alderman Whitmore motioned to hold this in committee. Alderman Mehl seconded the motion. The motion passed 7-0.

7. Ordinance appropriating funds to cover retirement benefits for the Planning Department.

O-15-34

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 7-0. Mayor Townsell explained this is for two items, one is the retirement to pay out the various balances that have not been included in this year's budget and two, for Scott Grummer to take over the position as the Community Development Program Manager from Christy Sutherland, who is retiring. Alderman Smith motioned to adopt the ordinance. Alderman Whitmore seconded the motion. Alderman Mehl asked do we normally accrue vacation as a part of our audit and budget when we have to pay that out when employees leave. Mayor Townsell replied yes in our audit, but it is not in our budget. There was no further discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, Alderman Jones, and Alderman Whitmore. The motion passed 7-0. Alderman Smith motioned to adopt the emergency clause. Alderman Whitmore seconded the motion. The clerk called roll to adopt the emergency clause with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, Alderman Jones, and Alderman Whitmore. The motion passed 7-0.

8. Ordinance accepting the annexation of certain lands comprised of 15 acres located on the north side of Prince Street west of Chapel Creek Subdivision.

O-15-35

Alderman Smith motioned to waive the readings. Alderman Whitmore seconded the motion. The motion passed 7-0. Alderman Whitmore motioned to adopt the ordinance. Alderman Smith seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, Alderman Jones, and Alderman Whitmore. The motion passed 7-0.

9. Resolution establishing the intent of the City to annexation certain lands at the northwest corner of East German Lane and Bill Lucy Drive.

R-15-19

Alderman Smith motioned to adopt the Resolution. Alderman Whitmore seconded the motion. Bryan Patrick, Planning and Development Director, stated this is the first of three phases, the first phase is the annexation, the second phase is rezoning A-1 and the third phase is a conditional use permit for a self-storage facility. Mr. Patrick explained right now

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

this property is outside of the city and that is why it needs to be annexed. Mayor Townsell explained this is not to pass the annexation, and we have passed the permit and conditional use request, which they will be held until we can pass the ordinance formerly annexing the property into the city. Preston Robinson, self-storage facility owner, stated he owns other facilities and it would operate the same way. There was no further discussion. The motion passed 7-0.

10. Ordinance to rezone property located at northwest corner of E. German Lane and Bill Lucy Drive from A-1 to RU-1.

O-15-36

Alderman Smith motioned to waive the readings. Alderman Whitmore seconded the motion. The motion passed 7-0. Alderman Smith motioned to adopt the ordinance. Alderman Whitmore seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, Alderman Jones, and Alderman Whitmore. The motion passed 7-0.

11. Consideration of a conditional use permit for a self-storage facility at property located at the northwest corner of E. German Lane & Bill Lucy Drive.

Alderman Hawkins explained the conditions for the conditional use permit are as follows:

1. Structure shall be constructed as presented with decorative masonry walls and architectural metal roofs. Roof color shall be earth tone red to match the Jacksonville "Campground Storage" facility.
2. Double the amount of development review required landscaping along the north boundary. One half of required trees to be evergreen species to provide additional buffering to residences.
3. Fencing shall have an ornamental wrought iron appearance.
4. Hours of operation to be limited to 6:00 am to 10:00 pm 7 days per week.

Alderman Hawkins motioned to accept the conditional use permit with the conditions. Alderman Smith seconded the motion. Bryan Patrick, Planning and Development Director, requested a possible additional condition to leave the initial construction to Mr. Robinson. Mayor Townsell asked Mr. Patrick if his intention is for Preston Robinson, self-storage facility owner, to build it and he can then sell the property whenever he desires to. Mr. Patrick replied yes, he can sell it in the future if he desires, but to initially let him build it. Council agreed to add a 5th condition for the initial development to be for Mr. Robinson alone. Mr. Patrick explained Mr. Robinson will not have a fence all around his facility but he will have a nice looking fence wherever one is needed. There was no further discussion. The motion passed 7-0.

12. Consideration to amend the Wal-Mart neighborhood Market PUD condition no. 6 (hours of operation).

Stephen Giles, attorney representing Wal-Mart neighborhood Market, stated they have requested to extend the hours at the Wal-Mart neighborhood Market at West Prince and Markham Street by 1 hour from 6 am to 1 am. Alderman Hawkins motioned to amend the hours of operation by 1 hour. Alderman Ledbetter seconded the motion. The motion passed 7-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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

1. Consideration to approve the bid for access control parking system for the Parks Department.

Steve Ibbotson, Parks Director, recommended accepting the low bid in the amount of \$25,280.00 from VenTek International, who will be using Arkansas Automatic Gates, which is an Arkansas company, to install the system. Arkansas Automatic Gates is now the Arkansas rep for VenTek International. Alderwoman Smith motioned to accept the low bid. Alderman Ledbetter seconded the motion. Mayor Townsell stated the funds are coming out of Parks and Recreation A&P funds. There was no discussion. The motion passed 7-0.

C. Public Safety Committee (Police, Fire, District Court, CEOC, Information Technology, City Attorney, & Animal Welfare)

1. Ordinance appropriating reimbursement funds from various entities for the Animal Welfare Unit.

O-15-37

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. Steve Self, Animal Welfare Dept., stated the first reimbursement is from Pet Smart as a part of our Rescue Waggin Program and the second reimbursement is from Farmers Insurance which is insurance proceeds. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

2. Ordinance appropriating funding from various entities for the Conway Police Department

O-15-38

A.J. Gary, Chief of Police, explained the reimbursements are for extra duty services, DUI/seat belt grant, insurance proceeds, restitution, and auction proceeds. Alderwoman Whitmore motioned to waive the readings. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

3. Ordinance waiving bids for the purchase of SWAT equipment for the Conway Police Department.

O-15-39

A.J. Gary, Chief of Police, stated we received a federal grant for equipment for the SWAT team, they are in need of secure containers to keep their equipment locked and secured in the

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

back of their vehicles. Chief Gary asked council to waive bids and utilize Safeware as the vendor in the amount of \$27,019.20. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

Ordinance appropriating funds from Parks and Recreation A&P funds to the Conway Parks Department capital budget account

O-15-40

Mayor Townsell asked council to suspend the rules to add an ordinance to the agenda appropriating funds for the access control parking system at Lake Beaverfork for the Parks and Recreation Dept. Alderman Hawkins motioned to suspend the rules. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to waive the readings. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Mayor Townsell explained this appropriates approximately \$25,000.00 from the Park and Recreation A&P Fund Balance to the Conway Parks Dept. Beaverfork Machinery & Equipment Capital Budget Account. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Ledbetter seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

D. Finance

1. Consideration to approve the monthly financial report ending February 28th, 2015.

Tyler Winningham, CFO, was not present to answer questions. Alderman Hawkins motioned to hold this in committee. Alderwoman Smith seconded the motion. The motion passed 7-0.

Adjournment

PASSED this 24th day of March 2015

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett