
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
July 8, 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 Pruitt, Alderman Grimes, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, Deputy City Attorney Chuck Clawson, and City Clerk Michael Garrett.

Call to Order: Mayor Tab Townsell

Roll Call: City Clerk/Michael O. Garrett

Minutes Approval: June 24, 2014

Alderwoman Smith motioned to approve the June 24, 2014 minutes as submitted. Alderman Hawkins the motion. Alderwoman Whitmore entered the meeting. There was no further discussion. The motion passed 8-0.

1. Report of Standing Committees:

A. Public Hearing

- 1. Public Hearing/Ordinance to discuss closing a portion of a 15 foot utility easement located on Lot 10 of the Trinity Washington Subdivision Phase II (Northwest corner of Old Morrilton Highway at Donaghey Avenue).**

O-14-60

Mayor Townsell opened the public hearing. There was no one present to speak to this issue. Mayor Townsell closed the public hearing. 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. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, Alderman Jones, and Alderman Pruitt. The motion passed 8-0.

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

- 1. Resolution requesting the Faulkner County Tax Collector place a lien on property located at 130 Oaklawn for incurred expenses by the City.**

R-14-18

Alderman Hawkins stated the property address is 130 Oaklawn; the cost of cleanup was \$359.65 (\$299.69 + Penalty \$29.96 + 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.

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2. Ordinance authorizing the issuance and sale of wastewater revenue bonds for Conway Corporation.

O-14-61

Richie Arnold, CEO Conway Corp, was present to answer questions. Gordon Wilbourn, Kutak Rock, explained these bonds will simply refinance the bonds issued in 2009 for interest savings; they have the same term and will be on a parity with the other existing wastewater bonds. Jack Trumper, Stephens Incorporated, stated we had the bond sale this morning for the refunding of the 2009 bonds and explained they were very well received in the market and represents a savings of 7.345%. 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. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, Alderman Jones, and Alderman Pruitt. The motion passed 8-0. The clerk called the roll for the emergency clause with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, Alderman Jones, and Alderman Pruitt. The motion passed 8-0.

3. Consideration to authorize the City to negotiate with interested parties to provide fuel and other aviation related services at the new Conway Municipal Airport.

Josh Zylks, Airport Manager, explained this contract covers fuel supply, leasing of fuel trucks, credit card processing, branding etc. and after review by the Airport Advisory Committee he is recommending council approve pursuing a contract with M.M. Satterfield Aviation Fuel for a 3 year contract, with two 1 year option extensions. Mayor Townsell stated since this is an RFP it does not discuss anything monetary at this point. Alderwoman Whitmore motioned to approve the recommendation for M.M. Satterfield. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. Consideration to approve the reimbursable agreement with the FAA for the installation of the Remote Transmitter/Receiver at the new Conway Municipal Airport.

Josh Zylks, Airport Manager, explained Dennis F. Cantrell Field (old airport) has a Remote Transmitter Receiver (RTR); it is utilized by pilots to contact Little Rock Municipal Airport flight operations via radio to obtain flight plans etc. Mr. Zylks explained this agreement reimburses the FAA for their cost associated with the installation of the RTR at the relocated airport. Mr. Zylks stated the cost is \$138,937.04 and is included in the 2014 FAA Grant and is 90% reimbursable by the FAA and 10% reimbursable by Arkansas Department of Aeronautics. Alderwoman Smith motioned to approve the agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

5. Consideration to approve the bid for the 2014 Sidewalk Projects (Tyler & Laurel Park) for the Street Department.

Finley Vinson, City Engineer, recommended awarding the bid to the low bidder Paladino-Nash in the amount of \$81,855.00; \$72,455.00 of this project will be paid by the in-lieu sidewalk fund and the remainder will be paid from the Street Fund. Alderwoman Smith

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

6. Consideration of a counteroffer for the right of way purchase at South Donaghey and Favre Lane for the roundabout project.

Finley Vinson, City Engineer, explained since this property is not platted, the property line goes to the center of the road; the agreement reached removed the strip of property that is currently asphalt, and with the public right of way dedicated to the city, if the property were developed and what remains as the developable land; we agreed to purchase just this portion of land at the price the property owners appraisal was for, which splits the difference between the two which is \$55,450.00 (8,531 sq. ft.). Alderwoman Smith motioned to approve the right of way purchase for \$55,450.00. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

7. Ordinance to rezone property located at the 1500/1600 Bill Lucy Drive from R-1 to PUD.

O-14-62

Terry Burruss, architect, explained they have worked with city staff and held neighborhood meetings in trying to be responsive to any conflicts. Mr. Burruss stated the project consists of 144 units and explained they have set up internal traffic flow, lighting would be low level and directed inward, and there is a lot of landscaping. Mr. Burruss explained there is a need for apartments here and this is a good location for them, and noted they have had no comment from the Conway School District which has an intermediate school nearby and would like council to consider the big picture in their decision tonight. Glenda Mudgett, Crye-Leike Realtors, explained she has conducted studies in lending and new "dog rules" are continuing to be rolled out this year; Fannie Mae and Freddie Mac (FHA) is the method most of these homes would selling. Ms. Mudgett stated many home loans are being denied due to credit/credit scores of the applicants. Ms. Mudgett explained many businesses are wanting to come to town earlier and buyers are not planning on purchasing right away; all these people are requesting locations east of I-40 and we do not have any rental property for them in that area. Ms. Mudgett explained she is in favor of this rezoning as she feels there is a need of rental property in the area east of I-40. Ms. Mudgett stated property values near other apartments built on the west side of town have not declined as those homeowners feared and these homes are being sold at market value, so this would not be an issue. Ms. Mudgett stated the rental need is expected to go up 6% over the next 2 years, which is quite an increase. Bill Freyaldenhoven, 1565, Bill Lucy Lane, explained the roads are not in good enough shape to carry the increased traffic flow, and feels R-1 is a perfect zoning for that piece of property. Allen Schneblen, 1475 Bill Lucy Lane, stated the proposed development is directly across the street from his home and he does not believe the proposed development is a good fit there are single family dwellings to the north, west, and south Siebenmorgen; his neighbors feel the same way. Mr. Schneblen explained he is not opposed to a development, but feels single family homes or patio homes would be more appropriate. Mr. Schneblen stated Bill Lucy Lane was overlaid approximately 8 years ago, but with the increased school traffic the road is deteriorating quickly; the base has given way and the overlay is just about shot. Mr. Schneblen stated it has been estimated the proposed development will increase traffic in the area by nearly 1,100 vehicle trips per day and the street is doing well to hold up with the current traffic flow and hopes council will deny this proposal. Tim Richardson, 1631 Wills Drive, stated he

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opposed to the proposed development for the same reasons already mentioned and explained he contacted 3 apartment complexes today, on E. German Lane, that have rentals available. J.D. Tyson, 1605 Trison Lane, is opposed to the proposed development explaining he has 4 children and they walk Bill Lucy Lane several times weekly because there is not much traffic on this street and the proposed development would change the dynamics of the area. Mr. Tyson stated he is also concerned that the development would negatively affect property values in the area as well as increase crime. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned for the adoption of the ordinance. Alderman Hawkins seconded the motion. Alderwoman Whitmore reminded council that this type of development has been done previously near schools i.e. The Grove. Alderwoman Whitmore asked the size of this property. Mr. Burris stated it is approximately 8 acres. Alderwoman Whitmore asked which part of this acreage will be developed. Mr. Burris stated the entire 8 acres is to be developed with a maximum of 144 units which would be 19 units per acre. Alderman Hawkins stated he feels that young parents would possibly start out a development such as this, but he is concerned that there are no sidewalks for children to use in order to get to and from school. Alderwoman Mehl asked if they would have to construct sidewalks. Bryan Patrick, Planning & Development Director, stated yes, they would be required to build sidewalks on Bill Lucy Drive, in front of their development. Alderman Jones stated there would still be an issue of having no curb and gutter. Mayor Townsell explained it is not the norm to place a higher density development on a residential street. After some discussion the clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Hawkins, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, and Alderman Jones. The motion failed 8-0.

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

1. Consideration to seek authorization for the City Attorney's office to file suit on delinquent invoices for the Conway Parks & Recreation Department.

Alderman Jones motioned to approve this request. Alderwoman Smith seconded the motion. Steve Ibbotson, Parks Director, explained the \$2,080.00 invoice is for unpaid delinquent rental fees and the other is for a \$500.00 deposit for a non-use premises fee; our contracts state if an applicant fails to hold an event, and the Parks Dept. is unable to fill that weekend, then the applicant forfeits the deposit. Mr. Ibbotson stated they stopped payment on the check. There was no discussion. The motion passed 8-0.

D. Public Safety Committee (Police, Fire, District Court, CEOC, IT, City Attorney, & Animal Welfare)

1. Ordinance to approve donation of computer hardware to the Van Buren County District Court from the Information Technology Department.

O-14-63

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman

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Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, Alderman Jones, and Alderman Pruitt. The motion passed 8-0.

2. **Consideration to enter into an agreement with the Conway Housing Authority for one community policing officer from the Conway Police Department.**

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

Adjournment

PASSED this 8th day of July 2014

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett