
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
August 12, 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 Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy, and City Clerk Michael Garrett. Alderman Grimes was not in attendance.

Call to Order: Mayor Tab Townsell

Roll Call: City Clerk/Michael O. Garrett

Minutes Approval: July 22, 2014

Alderwoman Whitmore motioned to approve the July 22, 2014 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

1. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, Conway Development, Chamber of Commerce)

1. Consideration to approve Addendum #1 for the ground lease agreement for the Conway Municipal Airport.

Josh Zylks, Airport Manager, explained the addendum is an equality clause which would allow tenants, who have already signed leases with us, to be entitled to the benefits of any changes the city could make to the terms of the lease. Alderwoman Whitmore motioned to approve. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

2. Consideration to approve the construction management plan for the FAA 2014 AIP grant for the Conway Municipal Airport.

Josh Zylks, Airport Manager, explained the construction management plan is a part of the FAA 2014 Grant that has previously been approved; this must be approved separately because this document contains the contract with our quality assurance testing firm. Mr. Zylks stated this is the same firm that has completed all of our quality assurance testing, and the costs are covered under the cost of the grant. Alderwoman Smith motioned to approve the construction management plan. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Resolutions requesting the Faulkner County Tax Collector place to place certified liens on certain properties as a result of incurred expenses by the City.

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Alderman Hawkins stated the property address is 2002 Prince Street; the cost of cleanup was \$184.23 (\$140.21 + Penalty \$14.02 + 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 7-0.

R-14-24

Alderman Hawkins stated the property address is 2450 Landover Trail; the cost of cleanup was \$266.29 (\$114.80 + Penalty \$21.49 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore stated the letter from Code Enforcement has the correct address and the owner's name, but the salutation of the letter references Mr. and Mrs. Johns. City Attorney Michael Murphy stated he feels there has been substantial compliance and feels the property owners would realize this is just a typographical error. There was no further discussion. The motion passed 7-0.

R-14-25

Alderman Hawkins stated the property address is 1327/1329 Robins; the cost of cleanup was \$979.41 (\$863.10 + Penalty \$86.31 + 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 7-0.

2. Consideration to approve the Pine Street acquisition and relocation expenses for the Community Development Block program.

Scott Grummer, CDBG Program Manager, explained this is a voluntary acquisition of 1421, 1423, and 1425 of Factory Street to initiate economic and affordable housing initiatives, and is consistent with the Pine Street Revitalization project. Mr. Grummer explained as a part of the acquisition, relocation services are needed for one family occupying the property located at 1423 Factory, the total acquisition costs for all 3 properties total \$75,000.00, and the relocation assistance is estimated not to exceed \$13,800, for a total cost of \$88,800.00, which is under budget for this project. Alderwoman Mehl motioned to approve the acquisitions and relocation expenses. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

3. Consideration to approve a new Historic District Commission member to fill a vacancy ending December 31, 2014.

Alderman Hawkins motioned to accept the nomination of Taylor Martin to fill the remainder of Ms. Becky Harris' term which expires on December 31, 2014. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

4. Ordinance to accept grant proceeds and appropriate funds for the Historic District Commission to be administered by the Planning and Development Department.

O-14-64

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Bryan Patrick, Planning Director, explained this is annual grant money was requested for, and will be used for sending commission

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members to various training conferences. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, Alderman Jones, and Alderman Pruitt. The motion passed 7-0.

5. Consideration to approve a request of payment for a rent subsidy related to the Conway Western Arterial Loop Project, South Interchange right of way acquisition of Tract 75.

Finley Vincent, City Engineer, explained there is a federal law which requires compensation for a displaced renter that is displaced to cover the difference of the cost between their previous housing cost, and the current housing cost. O.R. Colan & Associates commutated this amount to be \$12,600.00. After some discussion Alderwoman Mehl motioned to approve the rent subsidy. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

6. Consideration to enter into an agreement with Metroplan for the adaptive signal control corridors (Dave Ward Drive).

Finley Vincent, City Engineer, explained the adaptive signal control basically puts a computer at each intersection; currently the corridor traffic flow is determined by a timed setting which varies throughout the day. Mr. Vincent stated the adaptive signal control system will use our current cameras to detect vehicular traffic, as well as allowing the timing of the entire corridor to fluctuate, which is something our current technology cannot do. Mr. Vincent stated not only does it use the cameras to detect vehicular traffic, but detects how many vehicles there are and can tell the system how long the signal should be green. There was some discussion regarding the systems available and the cost that could be associated with the system chosen. The city must provide an estimated 20% match for engineering services and complete the agreement; total required match for engineering services is estimated at \$27,000.00. Alderwoman Smith motioned to enter into the agreement. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

7. 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-14-26

Finley Vincent, City Engineer, explained the Arkansas Highway and Transportation Dept. (AHTD) has offered to donate this right of way to the city, he and the Mayor feel this is appropriate; the (AHTD) has offered to overlay the road as an incentive at some point in the future. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. After some discussion the motion passed 7-0.

8. Ordinance to rezone property located at 1525, 1625, & 1801 Washington Avenue and 1618 Clifton Street from MF-3 to S-1.

O-14-65

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Mr. Ryan was present to answer questions. There was no discussion. The clerk called the roll with the following

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voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, Alderman Jones, and Alderman Pruitt. The motion passed 7-0.

- 9. Ordinance to rezone property located at the 1600 Block, South Salem Road directly east of 1674 South Salem Road from A-1 to R-1.**

O-14-66

Alderwoman Whitmore motioned to waive the readings of the ordinance. 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 the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, Alderman Jones, and Alderman Pruitt. The motion passed 7-0.

- 10. Consideration of a conditional use permit request from Sheena Ivory to allow in-home child care for property that is located at 604 South Davis Street.**

Alderman Hawkins motioned to grant the conditional use request with conditions. Alderwoman Whitmore seconded the motion. After some discussion the motion failed 4-3. Alderman Pruitt, Alderman Ledbetter, and Alderwoman Smith voted in opposition. Mayor Townsell did not vote on this issue and stated he would like to visit with the applicant in the near future to discuss this request at length.

- 11. Consideration of a conditional use permit request from SiteExcell to allow a 100 foot tall stealth cell tower for property that is located at 2600 Dave Ward Drive.**

Alderman Hawkins motioned to approve the conditional use request with the conditions listed below. Alderwoman Smith seconded the motion. Scott Lewellen, SiteExcell LLC, explained the industry calls them stealth because of the antenna and cabling are all inside the shell of the tower. There was no further discussion. The motion passed 7-0.

1. All prescribed conditions per the Conway Zoning Ordinance shall be met along with the two specific conditions below.
2. An 8-foot tall wooden privacy shall surround the enclosure. Any security fencing shall be behind this wall out of sight.
3. 2" caliper d.b.h. Evergreen trees shall be planted around the perimeter of the privacy fence on the west, north, and east as shown on submitted plans.

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

- 1. Consideration to approve the bid for a 2014 Ram Baler for the Conway Sanitation Department.**

Cheryl Harrington, Sanitation Director, recommended the bid from River City Hydraulics, Inc. in the amount of \$436,918.00, after a trade-in; the price includes tax and delivery costs. Ms. Harrington stated she is recommending the higher bid because we know nothing about the company, Plum Creek Environmental Technologies, nor do we know anything about the baler. Ms. Harrington explained we requested information from Plum Creek, on the baler and on other municipalities equal in waste production who use this equipment. Ms. Harrington went

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onto say this information was not provided to us, and no discussion ensued until Plumb Creek realized that we were not pleased due to the lack of knowledge/information we have on their baler. Ms. Harrington stated the baler we currently use is identical to the one we requested to replace; it has been in use for 10+ years and is worn out. Ms. Harrington explained we feel confident in spending the additional funds to purchase a baler we know how to use and we receive excellent service from River City Hydraulics. Alderwoman Smith motioned to approve the bid from River City Hydraulics. Alderwoman Whitmore seconded the motion. Danny Alford, Sanitation Dept., explained Plum Creek supplies an international baler, which appears to be a good baler, with a little different footprint than what we currently have, a smaller exit opening, which would not allow us to bale as much as quickly; the biggest concerns are there are no balers like this in the state of Arkansas and there is no service area near Conway. There was no further discussion. The motion passed 7-0.

D. Personnel

- 1. Ordinance appropriating funds for expenses related to civil service commission entry level and promotional fire fighter and police officer testing.**

O-14-67

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. The funding will be a fund balance appropriation in the amount of \$14,000.00 for civil service entry level and promotional fire fighter and police officer testing, and \$2,500.00 to amend the Conway Civil Service Rules and Regulations. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderwoman Whitmore, Alderman Jones, and Alderman Pruitt. The motion passed 7-0.

Adjournment

PASSED this 12th day of August 2014

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett