
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

**Conway, Arkansas
Tuesday 6:30 p.m.
February 14, 2006**

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, Alderman Brewer, Alderman Bell, Alderman Jones, Alderwoman Smith, Alderman Grimes, Alderwoman Whitmore and Alderman Weeks. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett. Alderwoman Smith made a motion to approve the January 24th minutes. Alderman Grimes seconded the motion. There was no discussion. The motion passed unanimously 8-0.

Public Hearings:

Public hearing to discuss authorizing the issuance of revenue bonds for Hendrix College

1. Resolution authorizing the issuance of revenue bonds for Hendrix College in the principal amount not to exceed \$4,200,000 for Wellness Center.

R-06-02

Mayor Townsell Opened the public hearing. Tom Courtway was present to answer questions. There was no discussion. Mayor Townsell closed the public hearing. Alderman Grimes motioned to adopt the resolution. Alderman Bell seconded the motion. Motion passed 8-0.

Report of Standing Committees:

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

1. Consideration of reappointing Geneva Stephens to another five year term on the Conway Housing Authority Board.

Alderman Hawkins motioned to grant the re-appointment. Alderman Grimes seconded the motion. There was no discussion. Motion passed 8-0.

2. Resolution to set a public hearing to discuss an easement closing for Lot 3/Conway Commons.

O-06-03

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Alderman Bell motioned to adopt the resolution and to set the public hearing for February 28, 2006. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

3. Consideration of a parking lot variance for Conway Lodging at property located 815 E. Oak Street.

Don Potter, representing Tim Tyler Surveying, was present to answer questions. Mr. Potter stated that Conway Lodging, Inc., owners of American Best Value Suites (Formerly Ramada Inn) is requesting a separation from the present subdivision due to the property being up for sale. Conway Lodging, Inc. is building a new motel, Comfort Inn Suites, on the adjacent lot, which is now under construction. Conway Lodging, Inc. is requesting the City waive the green space requirement so the property can be sold and the existing parking area, which was recently built, will not be torn up. Alderman Hawkins asked Bryan Patrick, Planning Director, if there was enough room for parking with four businesses now being on this section of land. Mr. Patrick stated that there will be enough parking spaces. Mayor Townsell recommended that a provision be added to the variance that no chain link fence or other property division can be put up that will divide the parking lots. Alderman Bell motioned to approve the variance with the condition. Alderwoman Smith seconded the motion. Alderman Grimes stated that the Council is requiring complete unimpeded cross access between the properties. There was no further discussion. The motion passed 8-0.

4. Consideration of a parking lot variance for Pine Street Free Clinic for property located at 1114 Ingram Street.

Mary and Ed Beard were present to represent the Pine Street Clinic. Mrs. Beard stated that they do not have any parking and that the Conway Police Dept. has been more than lenient by not towing away vehicles. Mrs. Beard stated that the clinic is open on Tuesday's at 4 PM until all patients are seen. At this time there are 35 patients. Alderman Grimes motioned to approve the variance. Alderman Brewer seconded the motion. There was no further discussion. The motion passed 8-0.

5. Resolution to refer to the section of Oak Street that runs through the Toad Suck Daze festival as "Croak Street" during the festival weekend.

Withdrawn

6. Consideration to make offer to parcel owners for appraisal value of land for new street to East Industrial Park.

Ronnie Hall, City Engineer, was present to answer questions. Scott Hoelzeman addressed the council with concerns about being forced to travel south through the Industrial Park during construction and also that once the papers are signed, for

the City to purchase the needed land, there are no agreements as to what will be done with the fences etc. Mayor Townsell asked Mr. Hall if the fences would be rebuilt. Mr. Hall stated the fences would be rebuilt. Mr. Hall also stated that as far as access, if the residents want to give additional right of way the City can build a temporary drive while the road is being built. Alderman Brewer asked Mr. Hoelzeman what beyond the value of the land is he asking for. Mr. Hoelzeman stated not to put the road in. Kathy Hoelzeman addressed the council stating she had other concerns, one, can a waterline be put under a city road and she stated that the residents are all hooked to one well. Mayor Townsell asked Mr. Hall if the water line can be put low enough under the new road not to be disturbed. Mr. Hall stated if the water line could be taken out of service it could be put in a 6 inch encasement pipe. Kathy Hoelzeman asked how long the water would be out of service. Alderman Brewer stated that the water line could be relocated and then tied in within a couple of hours. Kathy Hoelzeman then asked who would be responsible for the fences, noting that a fence and gate would now needed to be put up at the back of her mother-in-laws property to keep out unwanted traffic. Mr. Hall stated that if the council were in agreement the City would. Mayor Townsell was in agreement. There was various other discussions in reference to the disruption of the lives of the residents this is going to affect. Mayor Townsell asked if it was a matter of this particular route or, if the route can be adjusted East or West. Kathy Hoelzeman stated that East or West was fine. Mayor Townsell asked Mr. Hall how far the road would have to be dislocated. Mr. Hall stated that the road could go East or West and behind the houses. He also stated that this was demonstrated on an earlier plan that was sent to the residents, but they were unwilling to dedicate the right of way. Kathy Hoelzeman and Martine Hoelzeman stated they were not notified of this plan. Mayor Townsell stated that this is not the final action it is only an authorization to make an offer up to various property owners and to identify issues of concern. Alderwoman Smith stated she would like an alternate route investigated. Mr. Hall stated that the City still wants to tie in at East German Lane. Alderwoman Smith made a motion to hold this item in committee. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

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

1. Consideration of options in regards to a Case 1850 Dozer purchased from Scott Equipment for the Sanitation Dept.

Cheryl Harrington, Sanitation Director, was present to answer questions. Mayor Townsell stated that the dozer had had overheating problems and the City has had ongoing discussions between Scott Equipment, Cummins Engines, the sanitation department, and Michael Murphy the City Attorney. Scott Equipment has given the City two options to address the issue:

- Scott Equipment and the City split the cost to repair the dozer 50/50.

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- The City buy back the dozer as is, subtract the useful number of hours and cost factor plus the number of used hours and pay the buy back price.

The recommendation from Mrs. Harrington and the administration is to go with the buy back option for \$149,000 and sell it back to Scott Equipment. Alderman Brewer motioned to approve the buy back option. Alderman Hawkins seconded the motion. There was no further discussion. The motion passed 8-0.

Old Business

New Business

1. Discussion on how to comply with state law in regards to population over 50,000 for City Council terms.

Mayor Townsell stated that there is a State requirement, if a City's population is over 50,000 people that, all the City Council offices have to be extended in some fashion to an overlapping four year term. Mayor Townsell suggested that half the City Council run for four year terms the 2006 election and the other half run for two year terms in the 2006 election. Those that run for two year terms can run for a four year term in 2008. Someone from each ward has to be running in each election. Mayor Townsell suggested, to position Ward 1 against Ward 2, and have a coin flip. Whoever wins the coin flip will get a four year term, and whoever losses the coin flip will get a two year term. Alderman Hawkins asked if there was a reason to do it in this manner. Mayor Townsell stated this type of simplicity would keep it a "Ward only" election. Alderman Brewer motioned to have the coin toss and have heads represent Position 1 for the four year term. Alderman Bell seconded the motion. The motion passed 7-1. Alderman Hawkins voted in opposition. The coin toss yielded a "tails". Mayor Townsell noted that *Position 2 gets a "four" year term and Position 1 gets a "two" year term.*

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 14th day of February 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett