
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
May 8, 2007

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 Smith, Alderman Vaught, Alderwoman Mehl, Alderman Grimes, Alderwoman Whitmore, Alderman Bell and Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy. City Clerk Michael Garrett was not in attendance.

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* April 24th, 2007

Alderwoman Whitmore motioned to approve the April 24, 2007 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 8-0.

4. *Recognition of Guests:*
5. *Public Hearings:*

A. **Public hearing to discuss an easement reduction in the 15' utility easement running along the Ease side of the Lot 184 Westin Park Subdivision, with a property address of 330 Esplande Avenue.**

1. **Ordinance reducing the easement located at 330 Esplande Avenue by 5 feet.**

O-07-53

Mayor Townsell opened the public hearing. Bob Edwards was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Bell 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, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0. Alderwoman Smith motioned to adopt the emergency clause. Alderwoman Whitmore seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes,

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Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

6. Report of Standing Committees:

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

1. Consideration of an overlay variance to allow more than one building on a lot for property located at 850 Prince Street.

Steve Johnson was present to answer questions. Alderman Bell motioned to approve the variance. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration of a parking lot variance for Lindsey's Barbeque located at the southwest corner of the intersection of Markham & Mill.

Bishop Lindsey was present to answer questions. Alderwoman Smith motioned to grant the variances. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The variances are as follows:

1. Curb cut less than 20 ft. from side lot line.
2. Lack of 4 ft side green space.
3. Lack of 6 ft. front green space.
4. Less than 18 inches maneuvering area.
5. Required number of parking spaces.

3. Consideration of a conditional use permit for MF-1 density in an R-2 zone for property located at 308 Salem Road for Roy Massey.

Bill Adkisson, Attorney at Law, stated that since the denial of this issue by the Planning Commission the applicant, Roy Massey, has met with Ronnie Hall, City Engineer, and the city's Planning Dept. to attempt to develop an alternate plan that will work at this location. Mr. Adkisson stated one alternate plan would be to build a bridge between this property and property to the east which is also owned by Mr. Massey. They feel this could help eliminate some traffic filtering onto Salem Rd. The bridge would require FEMA approval since it is in the floodway. Mr. Adkisson stated the second alternate plan would be to lessen the number of units to 11 single story units. Mayor Townsell stated that the allowance of a bridge would create a crossing

over an easement of a bike trail. Bobby Atkins, 2904 Wicket St., addressed the council with concerns that increased traffic on Salem Rd. is not in the best interest of the neighborhood as individuals already cut through his neighborhood to avoid the traffic and the intersection of Salem Rd. and College Ave. There was a brief discussion among the council members as to their concerns of the lack of re-notification to area residents that this issue came back before the council for re-consideration. Alderwoman Smith motioned to hold this item in committee until notification is made to the public. Alderman Vaught seconded the motion. Ms. Bell, area resident, stated she is against this conditional use permit due to the increased traffic it would cause in the area. There was no further discussion. The motion passed 8-0.

Alderwoman Smith motioned to suspend the rules to consider 2 additional agenda items. Alderman Grimes seconded the motion. The motion passed 8-0.

Consideration of a conditional use permit for Conway Development Corp. for petroleum products (flammable gases or liquids) storage and sales in I-3 zoning.

Mayor Townsell stated that the Fire Dept. met with CDC personnel and has given their approval and stated this request is for an unattended fueling location for specific customers. Dennis Fitzgerald, Knox-Nelson, was present to answer questions. Alderman Bell motioned to approve the conditional use permit. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

Consideration to allow items to be placed in the right-of-way at the entryway of Spencer Mountain Lake subdivision.

Barry Williams, Roberts & Williams Assoc., stated that some of the features at the entryway of the subdivision fall within the right-of-way and they are requesting that the city allow them to put the monument sign, the decorative columns on either side of the road, and a portion of the fence along the south side of the boulevard in the public right of way. Alderman Grimes motioned to adopt the variance. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

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

1. **Consideration of a proposal from Carter & Burgess, Inc. for professional services for the girl's softball complex and general park facilities master plan for the City of Conway.**

Mayor Townsell stated this is for professional services for planning the Siebenmorgan/Bob Courtway Park and stated the total fee for the master planning and budget estimates is \$30,380. Alderwoman Smith motioned to accept the proposal. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

7. Old Business

- A. **Discussion/Consideration of a roundabout at Prince Street & Western Ave.**

Mayor Townsell stated that Ronnie Hall, City Engineer, has a rough draft showing the roundabout at the proposed Western/Prince St. location. On the same drawing, in blue, is a drawing showing the roundabout at the entrance of the CHS administration building. Mr. Hall stated that he shifted the roundabout 20 ft to the west so the curb line would not be changed in front of any of the houses on Prince St. and he feels that the businesses on the corner of Prince and Western could gain more parking by using the existing pavement from Western as they do not plan to remove it. Robert Haskett, The Brewery, stated that he feels the movement of the roundabout westward is helpful but still has concerns about the disturbance of the neighborhood and feels that it should still be developed further to make sure this is the best option. Alderman Hawkins stated that there is better access off of Western and Prince and doesn't know what else the city can do to improve the proposed plan. Mr. Haskett stated that now customers can pull in and out of the businesses all along the west side of the lot running beside Western, and he is concerned that the curb may take away this option and he also wonders how many parking spaces they could gain by the movement of the roundabout westward. Alderwoman Smith stated she agrees that the businesses would gain additional parking. Bryan Patrick, Planning Director, stated he could work with the businesses with a parking lot design. Alderman Jones stated that he thought the main purpose of this was to provide a left turn out of the school onto Prince St. and he feels like we are still trying to accommodate the schools gym facility. Mayor Townsell explained that there will be a driveway that connects the large parking lot in front of the auditorium across the south end running in front of the gym to Western regardless of what the city does. Mike and Cindy Rush, 1022 Western, spoke against the roundabout. Alderman Grimes stated maybe the business owners/residents should talk to the school board in person about

the concerns of the new driveway. Mayor Townsell stated that with the improvement of Western the city could find ways to calm traffic and possibly look at placing dividers at Weems, Duncan, and Hickory to force traffic toward the roundabout. Laura Haskett, The Brewery, doesn't feel the roundabout will solve the school traffic problem and went onto say that they invested their life savings to open their business and feels the roundabout and the road construction will negatively impact their business. Alderman Vaught motioned to adopt the blue plan deleting the southern most leg. The motion failed due to the lack of a second. Alderman Hawkins motioned to adopt the red plan with the attempt to add 5 additional parking spaces for the businesses. The motion failed due to the lack of a second. Alderman Grimes stated he is aware there is a small timeframe to work with but feels the council should meet with the school district to see what their plans are for the new driveway and he is willing to facilitate this meeting. Alderman Bell motioned to hold this item in committee until a meeting can be set up with the school district. Alderwoman Whitmore seconded the motion. The motion passed 7-1. Alderman Hawkins voted in opposition.

B. Consideration to set a public hearing to discuss a resolution to extend the extraterritorial jurisdiction.

Alderwoman Whitmore motioned to set a public hearing to be held during the committee meeting on May 22, 2007 at 5:30 p.m. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

8. *New Business*

A. Ordinance calling and setting a date for a special election of the issuance of bonds for the purpose of city park facilities. (*Draft version included; update will be provided at meeting*)

O-07-54

Mayor Townsell explained that the first question of the Bond Issue will which will be approximately \$12.5 million dollars will go toward the following:

- To build a girls softball complex and other park amenities on the newly acquired land on Siebenmorgan Rd.
- To relocate YBMA Fairgrounds to a new location.
- To build and development a boys baseball facility and other park amenities where YBMA Fairgrounds currently resides.

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Mayor Townsell explained that the second question of the Bond Issue will be for approximately \$1.5 million dollars and will go towards extending acquisition of land and extending construction of trails in various areas across the city. Mayor Townsell explained this will be an extension of the tax which will allow us to build our park system now instead of paying as we go. Michael Murphy, City Attorney, stated in regards to the A & P Tax #2 language should be added that states *“to the date of final payment of any park improvement bonds or trail improvement bonds”* in lieu of the word *“indefinitely”*. This appears on page 2 of the ordinance on the final two “whereas” and in section 7. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Mr. Murphy read the title of the ordinance. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. Mayor Townsell explained this is not a raising of any tax it is simply an extension of an existing one cent tax. The other one cent of the prepared food tax is already in place and will continue to stay in place. Alderman Grimes motioned to amend the ordinance as outlined above by Mr. Murphy. Alderwoman Smith seconded the motion. The motion passed 8-0. There was no further discussion on the main motion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 8th day of May 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett