
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
July 24, 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; Alderwoman Smith, Alderman Vaught, Alderwoman Mehl, Alderman Hawkins, Alderman Bell, Alderman Jones, Alderman Grimes, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

1. *Call to Order*
2. *Roll Call*
3. *Minutes: July 10th, 2007*

Alderwoman Whitmore motioned to approve the July 10, 2007 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests:*

Sanitation Dept

Gerald Arters - 5 yrs
Charles Franks - 5 yrs
Leanard Neal - 5 yrs
Rick Farley - 10 yrs

Fire Dept

Josh Oldham - 5 yrs
Randy Roberts - 30 yrs
Johnny Day - 30 yrs
Jerry Case - 30 yrs

Police Dept

Officer John Zanin -10 yrs

5. *Public Hearings:* None

6. *Report of Standing Committees:*

A. *Economic Development (Airport, Conway Corporation, CDC, Downtown Partnership)*

1. **Resolution adopting an amended land use plan in the vicinity of the relocated Conway Airport in the Lollie Bottoms area.**

R-07-19

Mayor Townsell stated if we get approval from the FAA to move forward with the proposed airport site the city would immediately annex the

surrounding properties and extend our territorial jurisdiction which is roughly 10,000 linear feet in each direction from the center of the runway. We would also commit to applying a special overlay district to protect the airports airspace that is not covered in our existing zoning and planning ordinances. The Mayor went onto say that the Federal Bird Strike expert would like us to buy agricultural rights for a variety of food crops in Lollie Bottoms but that in our opinion, is throwing money away; we feel if an airport is put there the land use is no longer agricultural. Mayor Townsell stated we would be committing to a land use plan to ensure whatever bird attractants are there we can mitigate by eliminating through a normal developmental process. We hope the FAA/Southwest will consider this proper mitigation of the Bird Strike issue and give us a "finding of no significant impact" which would wrap up the environmental issues and allow us to begin the process of applying for annual FAA funding for construction of the airport. Alderman Hawkins motioned to adopt the resolution. Alderman Bell seconded the motion. Alderman Bell asked how many property owners will be affected. Ronnie Hall, City Engineer, stated it will affect approximately a dozen large property owners. There was no further discussion. The motion passed 8-0.

2. **Resolution of intent regarding the reimbursement of certain costs and expenses incurred in the connection with the acquisition, construction and equipping improvements to the wastewater system of the City.**

R-07-20

Richie Arnold, CEO Conway Corporation, explained this is a bond resolution that will assist in obtaining financing for the construction/improvements to Conway's wastewater system which will focus on Stonedam and Tucker Creek wastewater treatment plants. Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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

1. **Consideration of the nomination of Melissa Headrick by Mayor Tab Townsell to the Old Conway Design Review Board.**

Alderman Bell motioned to accept the nomination of Melissa Headrick. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Consideration to approve the 2007 CDBG contracts.

Lynn Keith, CDBG Program Director, was present to answer questions. Alderwoman Smith motioned to approve the contracts. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0. The allocations for these contracts are as follows:

- Boys & Girls Club - Transportation - \$4,000
- Bethlehem House - Staffing - \$14,850
- Faulkner County Senior Citizens - Transportation - \$10,000
- Faulkner County Council on Developmental Disabilities - Transportation - \$20,000
- Pine Street Free Clinic - Lab work/prescriptions - \$6,150
- Womens Shelter - Transportation - \$5,000
- Seayco Conway Lofts - Grant for rehab of Halter Bldg. - \$75,000
- Administration (13%) - \$64,905

3. Consideration of a request from Watson Homes for a right of way encroachment for Chapel Creek Subdivision located on Prince Street.

Alderman Hawkins explained Watson Homes want to include a 6 X 8 ft guard type structure into the landscaping plan that would be in the right of way. Alderman Bell motioned to approve the request. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. Consideration of a request from Nabholz for an overlay variance/access management variance for property located on the southeast corner of Dave Ward Drive and South German Lane.

Scott Murphy, Nabholz Properties, stated the property currently has a 75 ft setback and in order for a client to put in a restaurant at the south side of the property they are requesting a 40 ft setback which would allow the building to be pushed up closer to Dave Ward Dr and bring the parking behind the buildings. Alderwoman Smith motioned to grant the variances. Alderman Bell seconded the motion. Mayor Townsell stated there was a suggestion from the planning dept. that a condition requiring the building footprint and access drive match the proposed plan.

Alderman Bell and Alderwoman Smith were in agreement to add this condition to their motions. Alderman Grimes stated he spoke with the property owners to the south of this property and they are concerned about their privacy, headlights, and trash and they suggested a fence being built to help with these issues. The council was in agreement. Bryan Patrick, Planning Director, stated all the fencing, lighting etc. are covered in the new proposed design standards, so a blank condition could be attached that would cover the fence/lighting issue. Wes Craiglow, Planning Dept., stated this would cover a 20 ft buffer between the nearest structure and/or parking area to include a fence beyond the structure that would have to be landscaped above and beyond simple fencing and 20 ft gap; it would have to be landscaped in accordance with the frontage so there will be a tree every 30 ft on center. Alderman Grimes motioned to amend the variance to include the condition to impose the proposed design standards just explained. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 8-0. There was no further discussion on the main motion on the floor. The motion passed 8-0.

The variances included in this request are as follows:

1. To allow a front building setback of 40 ft rather than the required 75 ft.
 2. To allow a shared joint access curb cut onto Dave Ward Dr.
 3. To allow more than one structure on one lot.
- 5. Consideration of an updated citywide development guidelines (excluding single-family and duplex).**

Wes Craiglow, Planning Dept., was present to answer questions. Alderman Hawkins asked if this type of standard is a nationwide trend. Mr. Craiglow stated yes. Mayor Townsell suggested presenting this in a public hearing forum to get feedback from the public and recommended it be placed on the agenda for the next meeting. Alderwoman Smith motioned to set a public hearing at the next council meeting. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Ordinance authorizing the donation of ball field lights from the Parks and Recreation Department.

O-07-87

Mayor Townsell stated these are lights that were replaced at Don Owens and have been kept there ever since. There are some small cities that have a need for these and he recommended donating these lights to the city of Menifee and Mayflower in return for them being responsible for hauling off the lights. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. 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, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

2. Consideration of a boat dock for William Gillespie with property located at 30 Hwy 25N on Beaverfork Lake.

Mayor Townsell stated this application does have approval by an engineer and by Lake Beaverfork personnel. Alderman Hawkins motioned to grant the request. Alderman Grimes seconded the motion. There was no discussion. The motion passed 6-2. Alderman Vaught and Alderwoman Mehl voted in opposition.

3. Ordinance approving the spending of Park Impact Fee Revenue monies.

O-07-88

Mayor Townsell stated this is for down payment of a loan to take over the operational aspects and developmental loan for First State Park, we will not spend this money until we get this under agreement as we have to have an Amendment 78 Financing Document and that will take an ordinance as well, this is just setting us up. The park impact fees will take the \$1.68 million loan to just under \$1 million which we feel like we can use the various sources of park revenue coming in over the next 5 years to pay this off. 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 and the emergency clause. 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.

4. Ordinance to offer reduce rates at the City Sanitation Department for the Faulkner County Solid Waste District.

O-07-89

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. County Judge Preston Scroggins stated this would take place on August 8, 2007 and would allow for a cleanup across Faulkner County; this would allow us to bring waste to the city's landfill for this date and the city's rate for one day only. They are requesting to use 2 roll off trucks, 6 containers and 2 drivers for this event and the Solid Waste District would reimburse the city for that cost. Alderman Bell asked if appliances will be allowed. Cheryl Harrington, Sanitation Director, stated yes. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Bell seconded the motion. There was no further 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.

D. Public Safety Committee (Police, CEOC, Fire, Dist. Court & City Atty., & Animal Control)

1. Ordinance appropriating revenue funds to the Conway Animal Welfare Unit.

O-07-90

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Bell 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.

2. Resolution adopting the Conway Fire Department rules and regulation (2007 edition).

R-07-21

Michael Murphy, City Attorney, stated this needs to be changed to a resolution as the council can adopt these rules and regulations by voice vote or a resolution. Mr. Murphy stated he would make the necessary changes to the resolution. Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. Bart Castleberry, Fire Chief, explained this is basically a daily operational guide. There was no further discussion. The motion passed 8-0.

3. Ordinance waiving bids, utilizing a sole source vendor, and appropriating funds to replace public safety software for the City of Conway.

O-07-91

Lloyd Hartzell, CEOC/IT Director, and A.J. Gary, Police Chief, were present to answer questions. Mr. Hartzell stated the software they currently have is outdated and the proposed software will enhance many aspects of day to day operations and will also allow the city to be NIBRS compliant. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no further 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.

E. Finance

1. Ordinance to provide financing for a loan for First State Soccer Park.

This item was withdrawn from the agenda.

7. Old Business

A. Consideration of buying out the lease of Ed's Supply for property located at 600 & 618 Front Street.

Mayor Townsell stated this will buy out the remaining 20 months of Ed's Supply lease; as we required them to vacate the property after the city purchased the property in order to build the new police station. Mayor Townsell stated he spoke with them again to see if they would take a split between our appraisal and their appraisal and they said no; because they did not chose to move, the city chose it. Mayor Townsell stated if we can not come to an agreement the next step would possibly be in court. Alderman Vaught and Alderwoman Smith expressed their concerns over paying the difference of the high appraisal. Alderman Jones stated he doesn't want to have to pay more to fight it than to just pay them what they want. Alderman Grimes motioned to pay them \$33,698.00 based on their appraisal. Alderwoman Whitmore seconded the motion. The motion passed 5-3. Alderman Bell, Alderwoman Smith, and Alderman Vaught voted in opposition.

8. New Business

A. Ordinance appropriating funds for the rental of a scaffold for the mural project at City Hall.

O-07-92

Mayor Townsell stated that the \$8,000 will cover the scaffolding which also includes some type of liability insurance. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance. Alderman Grimes 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.

B. Consideration of a request from the Tree Board Committee and artist Morton Brown in regards to the trees in Simon Park.

Gail Seymour, UCA, was present to answer questions. Mayor Townsell stated the tree board has recommended that we try to relocate the trees (if possible) and move the Christmas tree to the wedge of landscaping across from the Conway Chamber of Commerce at Van Ronkle. The Mayor feels

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this is a good location weather we relocate this tree, or plant a new tree. Mayor Townsell suggested that we adopt the Tree Boards recommendations for trying to save the Christmas tree and relocate it if possible or purchase a new tree and place it in the landscaped island. Alderman Hawkins motioned to approve the recommendations of the Tree Board. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

C. Consideration to move the next regularly schedule City Council meeting.

Mayor Townsell stated that the Highway Commission will be in town the night of our next council meeting and recommends moving our next council meeting to Tuesday August 7, 2007. Alderwoman Smith motioned to move the next council meeting to August 7, 2007. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 24th day of July 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett