
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
August 7, 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, 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. Alderwoman Mehl was not in attendance.

1. **Call to Order**
2. **Roll Call**
3. **Minutes:** *July 24th, 2007 & July 31st, 2007*

Alderwoman Smith stated on the July 24th minutes that John Zanin's name is misspelled. Alderman Bell motioned to approve the July 24th minutes as amended and approve the July 31st minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 7-0.

4. **Recognition of Guests:** None

5. **Public Hearings:**

- A. **Public hearing to discuss an updated citywide development guidelines (excluding single-family and duplex).**

Mayor Townsell stated that these are major changes and as new development comes in we want to add value to the city; but these changes would come with a price. Mayor Townsell opened the public hearing. Brad Lacy, Conway Chamber of Commerce/CDC, referenced page 67 which involves I-3 Heavy Intense Industrial zoning in which a section discusses "discouraged" elements that include large blank flat surfaces and metal siding that dominates a facade. Mr. Lacy stated that metal siding is preferred in most manufacturing operations regardless of size. Mr. Lacy asked if discouraged means the city is discouraging someone from doing something, or they can do it and who makes that call. Mr. Lacy stated he believes at some point it will become a cost issue where we could price ourselves out of the market, as has already happened in some cases due to the cost of property. Alderman Hawkins asked if the city is losing businesses that would ordinarily locate here to other communities

because of standards that are currently in place or are proposed to be in place. Mr. Lacy stated he feels that is accurate; in some cases we have lost business to the county which may be due to regulations and the cost of land. Mr. Lacy stated he knows for sure that we lost some businesses due to the cost of land. Richie Arnold, CEO Conway Corporation, stated they would be opposed to meters being in a cabinet type device behind two doors which is shown on page 26; figure 5-9 as it would make reading meters more time consuming and difficult and is somewhat of a hazard as this time of year we have wasps. It would also slow down the time it takes to connect and disconnect a service and makes it more difficult to detect tampering. Mr. Arnold also expressed concerns of the screening of transformers and wants to make sure they have enough clearance to get to them as needed; they also want to make sure that when fire hydrants are flushed they do not wash away a fence or a berm etc. Mr. Arnold stated in chapter 6 - Landscaping - Site Perimeter - Street Frontages that references having a canopy type tree every 30 ft. and it states in section 1.2 "in the event overhead obstructions prohibit the use of canopy trees, understory trees shall be an acceptable alternative", Mr. Arnold stated it needs to be the only alternative as canopy trees do not need to be planted under power lines. Mr. Arnold referenced chapter 7 - Lighting as he is not sure how this would impact their existing program where night lights/flood lights are furnished to businesses and it may put us out of that business which would be o.k., but would like the council to be aware that we have industry and small businesses that for security reasons will ask them to install a flood light to make the area more secure for their employees or materials. Scott Schallhorn, Hendrix College, stated his interest is in how this will affect college campuses particularly the lighting, security, parking and construction issues. He knows of certain existing buildings campus that will not satisfy these standards and would he would like more in depth discussions. Jim Rankin, Trinity Development, stated that throughout the design standards document the words strongly recommended and strongly discouraged are widely used and he does not know who will make decisions and wonders if this wording is an absolute no, you cannot do that; for instance a franchise like McDonalds who has spent millions of dollars on a design concept; who will put their foot down and say no you cannot or yes you can build this type of building. Mr. Rankin feels this will be an issue in a majority of commercial properties that are interested in coming to Conway; in dealings with these individuals before they are particular about their signs and other issues that are deal breakers and would like the council to take this into account. Mr. Rankin stated this appears to apply to the jurisdictional limits of the city which is 2-5 miles outside the actual city

limits, the language is there but he does not know if it means to be that, since there is no zoning outside the city limits. Mayor Townsell stated it only applies to the city limits, but if the jurisdiction is extended then it would apply. Mr. Rankin also voice concerns about building expansion language, the discouraged use of metal on buildings, the landscaping language, parking lot screening. Barbara Stroope spoke in favor of the regulations. George Covington stated he leases to several gas industry companies and noted; if you drive to Greenbrier you will see all the businesses Conway is missing out on, not to mention the loss of sales tax revenue and jobs. These standards, i.e. parking lots, are not what this type of industry needs or wants, they want an acre lot that is all gravel and when they the requirements in Conway they go elsewhere. Jim Mosley, 1260 Hunter St., spoke in favor of the regulations. Debbie Plopper spoke in favor of the regulations. Michelle Teague spoke in favor of the regulations. Jeff Allen, spoke in favor of the regulations. Ralph McKenna spoke in favor of the regulations. Wes Craiglow, Conway Planning Dept., clarified some of the language used in the proposed regulations document and stated we would never enforce something that would prohibit growth and explained that these proposed regulations in actuality streamlines the process with no fewer than nine ordinances to obtain a permit. Mayor Townsell closed the public hearing and recommended that the Planning Dept. tweak the proposed regulations and meet to discuss the concerns brought up here tonight. Alderwoman Smith motioned to hold this item in committee. Alderman Grimes seconded the motion. There was no further discussion. The motion passed 7-0.

6. Report of Standing Committees:

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

- 1. Ordinance regarding new federal standards pertaining to electric utilities under the public utilities regulatory policies act of 1978, as amended by the energy policy act of 2005.**

O-07-94

Bill Bethea, Conway Corporation, stated they are not required to adopt the regulations however "PURPA" requires us to consider the standards. Mr. Bethea went onto say this bill was written primarily for major utilities and we have a recommendation to implement net metering and ask that the council adopt the ordinance in compliance with federal energy act.

Alderman Bell 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 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, and Alderwoman Whitmore. The motion passed 7-0.

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

- 1. Resolution to set a public hearing to discuss closing a utility/drainage easement in the North Market Plaza P.U.D.**

R-07-22

Mayor Townsell stated this will set a public hearing for Tuesday August 28, 2007 at 6:30 p.m. Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

- 2. Ordinance appropriating funds for the Old Design Review Board.**

O-07-95

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Mayor Townsell stated this is taking \$2,000 from the general fund to help pay the costs of architects and training. 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, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Whitmore, and Alderman Vaught. The motion passed 7-0.

- 3. Consideration of bids for Downtown Conway Sidewalk renovations (Oak Street - Front Street to Chestnut St.).**

Mayor Townsell stated funding for this project is a CDBG grant in the amount of \$198,000 and stated the low bid was received from Paladino-

Nash in the amount of \$269,422.85 and the city will need to pay the difference of \$71,422.85 to complete the project. Mayor Townsell stated the recommendation is to award the bid to the low bidder Paladino-Nash. Mayor Townsell stated since this is a late starting project we are allocating only 60 calendar days from September 1, 2007 to November 1, 2007 and explained there is \$1,000.00 per business day incentive for getting the job done early, and \$500.00 per day penalty if the job exceeds the time frame specified. Alderwoman Smith asked where the additional monies would come from. Mayor Townsell stated it can come from the street fund or general fund. Alderman Bell motioned to accept the low bid from Paladino-Nash. Alderwoman Smith seconded the motion. Alderwoman Whitmore stated her concerns for the business owners in this area and feels communication with them is imperative. Mayor Townsell stated there will be a pre-construction conference with everyone. Alderwoman Smith motioned to have the remaining funds come out of the street fund reserve. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-1. Alderman Vaught voted in opposition. 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, and Alderwoman Whitmore. The motion passed 7-0.

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

1. Consideration to accept the offer and acceptance for property located near the Sanitation Department.

Mayor Townsell stated this property is between the sanitary landfill and Interstate-40 and the original design of the landfill requires us to purchase this property so we can toll the slope out on this property. Mayor Townsell stated we are offering \$156,000 which is what the land appraised for; the sellers have asked the city to pay all the closing costs. Alderwoman Smith motioned to approve the offer and acceptance in the amount of \$156,000 plus closing costs. Alderman Bell seconded the motion. Alderman Hawkins expressed his concerns over the price we are paying. There was no further discussion. The motion passed 6-1. Alderman Hawkins voted in opposition.

2. Ordinance appropriating funds to purchase the land near the Sanitation Department.

O-07-96

Mayor Townsell stated this is appropriating funds for the extra funds needed to purchase this land. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Whitmore. The motion passed 6-1. Alderman Hawkins voted in opposition. The clerk called the roll for the emergency clause with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

3. Consideration of bids for a crawler dozer with low bid from for the City Sanitation Department.

Cheryl Harrington, Sanitation Director, stated there is a difference between the low bid and the bid we are asking the council to accept; the dozer from Scott Equipment does meet our specs, the tracks are the problem, along with some service issues we have had with the other companies. Ms. Harrington stated they are renting a dozer now for \$3,000 a month. Alderwoman Smith motioned to accept the bid from Scott Equipment for \$134,638.00. Alderman Grimes seconded the motion. Ms. Harrington explained they require a 24 inch wide track, and H & E Equipment Services could only provide a dozer with 22 inch wide tracks. There was no further discussion. The motion passed 7-0.

4. Ordinance amending the Conway Municipal Code Section 12.12.22 in regards to Beaverfork Lake structures for the Conway Parks Department.

O-07-97

Mayor Townsell stated our current ordinance requires the city engineer to sign off on the engineering drawings on these structures and Ronnie Hall, City Engineer, is not a structural engineer; we would like to have the Lake Beaverfork supervisor and city building inspector sign off on these plans and a registered professional engineer must also approve the application

and we should perhaps add language to the ordinance that “approved and certified to meet the specifications and standards called for in our ordinance”. Mayor Townsell stated not only should the engineer stamp it, the stamp needs to certify that it meets the standards that are in the ordinance. Mr. Hall stated that he has had the engineers put on their certification that it conforms to the specific Beaverfork ordinance and the design guidelines for Beaverfork boat docks. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 7-0. Mayor Townsell stated the change we would like to make is “a registered professional must certify the application conforms to the Beaverfork lake structures ordinance and the design guidelines”. Alderwoman Smith motioned to adopt the ordinance with the suggested amendment by Mayor Townsell 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, and Alderwoman Whitmore. The motion passed 7-0.

5. Approval to offer two recently acquired structures for sale and /or demolition.

Mayor Townsell stated these are two homes located at 917 and 1001 East Siebenmorgan we wanted to offer them up for auction, and if they are not sold we will have them demolished. Alderman Grimes motioned to approve the auction or demolition of the two homes. Alderman Vaught seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Ordinance appropriating funds to cover expenses associated with the hiring of the Deputy Attorney for the City’s Attorney’s Office.

O-07-98

Mayor Townsell stated we put this position in the budget and we have the money to hire a deputy city attorney; but we didn’t have the \$487.76 in the city attorney’s budget to cover the advertising of this position. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Hawkins 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, and Alderwoman Whitmore. The motion passed 7-0.

2. Ordinance appropriating donated funds to purchase leadership program for the Conway Fire Department.

O-07-99

Alderman Hawkins 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 and the emergency clause. 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, and Alderwoman Whitmore. The motion passed 7-0.

E. Finance

1. Consideration to remove items from the fixed assets (inventory) and to dispose of them.

Mayor Townsell stated Robin Scott, Conway's CFO, would like these items removed from the fixed assets inventory; vehicles will be sold for scrap or offered for sale through as is sealed bid auction whichever appears to provide the best price to the city, vehicles sold for scrap will also be parted out for use by fleet maintenance with documentation maintained by fleet maintenance for any salvaged parts with an estimated value of at least \$500.00. Mayor Townsell went onto say that any vehicle sold for scrap will first be offered for training purposes to the Fire Dept. Alderman Bell motioned to approve the disposal of this property. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

7. Old Business

8. New Business

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Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 7th day of August 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett