
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
July 22, 2008

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, Alderman Jones, Alderwoman Mehl, Alderman Thompson, Alderwoman Whitmore, and Alderman Grimes. 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 8th & July 15th, 2008*

Alderwoman Smith motioned to approve the July 8, 2008 and July 15, 2008 minutes as submitted. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

4. *Recognition of Guests:*

5 Years

Gary Woodley - Sanitation Dept.
Ryan Britton - Police Dept.

10 Years

Steven Ashcraft - Fire Dept.
Billie Carter - Fire Dept.
Captain Scott Erwin - Fire Dept.
Jason Fulfer - Fire Dept.
Chad Upton - Fire Dept.
Officer Chris Derrick - Police Dept.

15 Years

Ray Davie - Street Dept.

5. *Public Hearings:*

- A. *Public hearing to discuss closing the reduction of the access/utility easement located on Lot 4 in the Meadows Commercial Subdivision.*

Mayor Townsell opened the public hearing. Don Potter, Tim Tyler Surveying & Mapping, representing the applicant Ken Patel, stated the easement is on lot 4, which is owned by Mr. Patel, he wishes to have more useable square footage on his lot. After

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reviewing the utility needs of the 45 ft. easement, it was determined that the easement could be reduced 30 ft. The proposed La Quinta Inn has access to use this easement for ingress/egress into their lot; the easement also parallels an existing drive that is behind Holiday Inn Express. Mr. Potter asked the council to consider reducing the easement by 30 ft. Alderman Hawkins asked if there is a way for the proposed La Quinta to access their property from Sanders St. to the west through the drive leading to Outback Steak House, and if the Outback has granted a cross access easement. Mr. Potter stated that is his understanding. Ken Patel, owner of Holiday Inn Express, spoke in favor of the reduction of the easement. Bill Adkisson, Attorney at Law representing SHIV Hospitality, LLC which owns lot 2A and the proposed La Quinta Inn property, stated his client purchased this property in late 2007 and the sale was contingent on this 45 ft. easement being available. Mr. Adkisson went onto say that state law requires consent of all abutting land owners in order to reduce an easement and his client opposes this request. Michael Murphy, City Attorney, stated that state law does require consent from all property owners to close and easement. Mayor Townsell closed the public hearing.

- 1. Ordinance to reduce all but the north 15' feet of the North 45' feet access/utility easement as shown on a final plat of Lot 4 located in the Meadows Commercial Subdivision.**

Alderwoman Smith motioned to remove this item from the agenda. Alderwoman Whitmore seconded the motion. There was no discussion. 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 to accept the low bid from Gerdau Ameristeel for reinforcing steel box culvert at Siebenmorgen Road on the west leg of the roundabout located at Bob Courtway/Siebenmorgen.**

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell stated the low bid was for \$32,802.00. Alderwoman Smith motioned to accept the low bid. 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 Thompson, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

B. Public Safety Committee (Police, CEOC, IT Technology, Fire, Dist. Court & City Att., & Animal Control)

- 1. Ordinance accepting restitution for overtime performed by the Conway Police Department.**

O-08-90

Alderswoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. A.J. Gary, Chief of Police, stated this was overtime worked for various businesses when they required additional security. Alderswoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. Chief Gary explained prior to March 2008 these duties were performed by officers who were contracted and the services provided were in a "gray area"; this more clearly defines what is expected of the officer, and if a disaster of some type should occur these officers would be available to assist as needed. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderswoman Smith, Alderman Thompson, Alderman Jones, Alderswoman Whitmore, and Alderswoman Mehl. The motion passed 8-0.

2. Consideration for approval of the conceptual drawing for the new Station 6 for the Conway Fire Department.

Bart Castleberry, Fire Chief, was present to answer questions. Mike Winter, Asst. Fire Chief, explained that a conceptual drawing has been submitted by Whittenberg Delony & Davidson Architects; if council approves the drawing we should be ready for the bid process in approximately three (3) months. Tom Adams, Whittenberg Delony & Davidson Architects, gave a brief synopsis of their plans for the new fire station. Alderswoman Smith motioned to approve the conceptual drawing. Alderswoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

3. Ordinance accepting donated funds from various sources to purchase a sonar for the Special Operations Rescue Team Boat & to purchase six new kids competition jackets for the CFD.

O-08-91

Bart Castleberry, Fire Chief, was present to answer questions. Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 8-0. Alderswoman Whitmore motioned to adopt the ordinance. Alderman Vaught seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderswoman Smith, Alderman Thompson, Alderman Jones, Alderswoman Whitmore, and Alderswoman Mehl. The motion passed 8-0.

4. Ordinance appropriating funds for gas and diesel for the Conway Fire Department.

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Alderwoman Smith motioned to pull this item from the agenda. Alderwoman Mehl seconded the motion. The motion passed 8-0.

Alderman Hawkins motioned to suspend the rules to consider the Harkrider St. improvement projects. Alderwoman Smith seconded the motion. The motion passed 8-0. Mayor Townsell explained that Hendrix College has requested the city to make a request to the Arkansas Highway Transportation Dept. (AHTD) in regards to the starting time of this project; this would allow the bidding to start earlier and would cover the AHTD from the risk of any additional costs or damages due to delays in the utility relocation work. Hendrix College asks if the City of Conway will guarantee AHTD to cover any utility delay costs; Hendrix would in turn will cover the cities cost. Alderman Hawkins motioned to allow the Mayor to enter into this agreement with Hendrix College and AHTD. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

7. *Old Business*

8. *New Business*

Adjournment

PASSED this 22ND day of July 2008

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett