
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
January 25, 2011

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, Alderwoman Mehl, Alderwoman Whitmore, Alderman Rhodes, Alderman Jones, Alderman Vaught, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

Call to Order

Roll Call

Minutes: *January 11, 2011 and January 18, 2011*

Alderwoman Whitmore motioned to approve the January 11, 2011 and January 18, 2011 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Announcements / Proclamations / Recognition: *Employee Service Awards*

5 Years

Officer Sean Canady - Police Dept.

10 Years

Mark McEntire - Fire Dept.

Nicole Schichtl - District Court

20 Years

Mitch Wilson - Sanitation Dept.

Mike Murphy - City Attorney

1. Public Hearings:

1. Public Hearing to consider the abandonment of certain alley and street rights of way in the Pine Street Neighborhood.

Mayor Townsell opened the public hearing. Bryan Patrick, Planning & Development Director, explained this started in response from property owners that began with the Arkansas Highway Dept. plans to rebuild Harkrider; this was also a part of the Northeast Old Conway Study that was compiled by the planning department and was discussed at public meetings. Mr. Patrick explained the following proposed closures:

- Street Closure: Walnut St. from Harkrider to Sutton.
- Street Closure: Clayton St. from Pine to the alley.
- Alley Closure: 10 ft alley - Block 8 Jones Addition.
- Alley Closure: 10 ft alley - Block 1 Jones Addition.
- Street ROW Closure: Lincoln St - Block 12 & 13 Burns Addition.

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Mr. Patrick stated he has letters from Conway Corp and AT&T stating they have no objections to these closures. Mayor Townsell asked if the Highway Dept is driving some of these closure discussions. City Engineer Ronnie Hall stated in the new plans Clayton St does not connect to Harkrider but he is unsure about Walnut. Leon Walton stated her mother lives on the corner of Clayton and Spruce and asked if the proposal is to close half of Clayton St. Mayor Townsell stated yes, the south half. Ms. Walton asked who would get the property if the street is closed. Mayor Townsell stated that it would go to the property owners on either side. Dennis Forte, owner of the Hog Pen BBQ, stated his business is located on the corner of Walnut and Sutton and explained that the small nook of Walnut is used often to enter and leave his business and if it is closed it would have a negative effect on his business and would possibly have to relocate. Linda Paxton stated she uses the Walnut St access daily and asked if the section where the gas station used to be would be closed. Mayor Townsell stated he is not sure and needs to confirm this with the Highway Dept. Rev. Robert Jones, Zion Temple, stated they are opposed to closing the section of Walnut as it would leave one way to enter from Harkrider. Sandy Hudspeth, Clayton St property owner, spoke in favor of the closings and asked if the land from closing an alley is divided the same as a street closing. Mayor Townsell stated he yes they are divided the same way as a street; the property would be divided among the property owners from the center line. Mayor Townsell closed the public hearing. Alderwoman Whitmore motioned to hold this item in committee. Alderwoman Mehl seconded the motion. The motion passed 8-0.

1. Ordinance abandoning certain alley and street rights of way in the Pine Street Neighborhood.

Item held in committee.

2. Report of Standing Committees:

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

1. Resolution requesting the Faulkner County Tax Collector to place certified liens on property located at 1575 Edgestone Drive as a result of incurred expenses by the City.

R-11-02

Alderman Hawkins stated the property address is 1575 Edgestone Drive; the cost of cleanup was \$127.22 plus 10% collection penalty. There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance transferring grant funds awarded to the City of Conway from the Department of Energy's Energy Efficiency and Conservation Block Grant.

O-11-05

Lauralee McCool, CDBG Director, was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance and the emergency clause. Alderwoman

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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. Mayor Townsell explained this grant would allow us to set up two revolving loans, one is for homeowners which will be administered through Conway Corp; the loans will be available for exchanging non-energy efficient appliances for energy efficient appliances and can be paid back on their Conway Corp bill. The other portion was an incentive for homebuilders to build toward "Energy Star". This program was not as well received by the homebuilders and was more difficult to secure compliance. It would also have to be administered by the city and we are not set up to handle this; the suggestion is to take the portion of the money that was suppose to go to the homebuilders revolving loan and increase the homeowners revolving loan program. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

3. Ordinance appropriating grant funds from the Arkansas Highway & Transportation Department to the Conway Planning & Development Department.

O-11-06

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Mayor Townsell explained the total amount of this grant is \$20,714.00 and is the Safe Routes to School start up grant and education grant and will be used to pay for operational, promotional, and educational costs of implementing the 2010 master plan. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

4. Ordinance to rezone property located at 321 Western Avenue from MF-3 to PUD (Planned Unit Development).

O-11-07

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Bryan Patrick, Planning and Development Director, stated the property is currently zoned MF-3 and has eight multi-family townhome units on the property and the owner, Kevin Hardy, and this PUD would be a solution to financial banking problems. Mr. Patrick explained to date the development is one lot and the concept was they are individual units but would be sold as a horizontal property regime, which is your typical condo sale and banks no longer wish to loan money on condominiums. Mr. Patrick stated this would in essence we are subdividing under a buildings that are already built. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

5. Ordinance to rezone property located at 650 Simon Road from R-1 to C-3.

O-11-08

Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderman Whitmore seconded the motion. Ed Tyler, speaking on behalf of the Worman's, explained that a good portion of Simon Rd to the west is already zoned C-3 and the rear portions of the businesses on this property is zoned R-1. Mr. Tyler stated the property has been a salvage yard for 40 years and recently the National Salvage and Used Auto Part business has required Preferred Auto to make improvements to the property which can be completed if the proposed rezoning is approved. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderman Mehl, Alderman Smith, Alderman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

6. Consideration of the approval of the Prince Street Improvements (Western Avenue to Shady Lane).

Finley Vinson, Traffic Engineer, was present to answer questions. Ronnie Hall, City Engineer, stated we need guidance from council on how we wish to proceed with these improvements and a public hearing was held back in October 2010 to present the proposal to the public. Mr. Hall stated it would be a median divided four lanes with roundabouts at Farris and Prince St and left turns allowed off of Prince St, not onto Prince St except at the roundabouts, and at Morningside. The street will be widened by 3 ft to accommodate bicyclists, sidewalks will be on both sides of the street, and U-Turns will be permitted at the left turn locations. Mayor Townsell stated council needs to decide to vote on the issue or hold another public hearing. Alderman Jones suggested having a committee meeting and then voting on the issue afterwards at a council meeting. Mayor Townsell stated if we want to open the floor to public comment we should have a dedicated meeting for it. Alderman Grimes stated he believes we have heard all we are going to hear and conceptually he approves. Alderman Smith concurred. Alderman Vaught stated he would like to have a public hearing but let the public know that the issue will be voted on afterwards. There was some discussion in regards to how to handle Morningside Dr. Phil Dyer stated he likes almost everything except the median as he feels this will destroys businesses along Prince St; his biggest issue is between Farris and Morningside there is a 10 acre area that has no west access, going west and when you cut off 10 acres of highly developable property the value of the property will be negatively impacted. Mr. Vinson stated 2 curb cuts are slated for this property and we could certainly add another. Sharon Rietzke, speaking on behalf of Farris and Prince St residents, stated Dr. Quick is concerned about losing land at his business as they have very little parking now. Ms. Rietzke explained, after looking at the drawing, it appears that most of land will be taken from the other property and she only has three-fourths acre as is, and the plan would take approximately one-fourth acre which would leave her with one-half acre. Ms. Rietzke stated this would not be enough land for a house or much else and stated she feels the design should be changed or the city should buy her entire property at a fair price.

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Alderman Vaught stated taking that much of such a small piece of property and in most cases that may not matter but here he feels it does. Mr. Hall stated we are taking approximately 2,100 sq ft and he doesn't feel it is one-fourth of the property; if the Farris right of way is 60 ft we are taking and the right of way of Prince is 80 ft. Mr. Hall stated if it is determined that it is uneconomical then the entire property should be purchased. After some further public input Alderman Jones motioned to hold this item in committee until the next council meeting, discuss it in committee prior to the meeting, and a vote will be held that night. Alderwoman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

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

1. Ordinance appropriating funds for the purchase of capital items for the Conway Expo Center & Fairgrounds and Conway Station Park.

O-11-09

Mayor Townsell stated these funds will not be coming out of the general fund; they can be funded by the A & P tax and also park impact fees. Mayor Townsell stated that everything listed over \$20,000.00 has to be taken out to bid and all the items will not be purchased immediately, only what is necessary; the amount needed is \$328,650.00. Mayor Townsell stated that we need to include in the ordinance that funds will also be appropriated from park impact fees. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore stated she understands with the approval of this it would not be purchasing these items immediately but she is concerned with some of purchases and pricing, one being the expenditure of a truck, and also a utility truck for the Fairgrounds. Alderwoman Whitmore asked if already know there is a need for a truck for the Fairgrounds. Alderwoman Whitmore stated when vendors rent a booth they are aware they will incur a cost for the entire booth; why should the city incur the cost of Secondly the Pipe & Drape instead of looking at improvements to some of the other areas which would make the building more available for use to generate revenue in other areas. Steve Ibbotson, Parks Director, stated he believes originally when the first budget was submitted the Pipe & Drape was much larger and this request is so that we can increase our revenues so that vendors will have to rent the pipe and drape from us in order to set their booths up. Mayor Townsell stated we believe we incur much more operating costs opening up the front and we would like to get that done, but that is more of an ongoing daily basis of vendors renting those booths and this is something we will hold off on until the end, but if we see that we can make money off of this it would contribute directly to our operating revenues rather than operating costs. Alderman Jones stated he doesn't believe there is a need for the Infield Sand Pro (2) for the Conway Station Park. There was discussion in regards to the various computers and the floor vac/scrubber. Alderman Vaught stated although some of these items are necessary, but if we purchase all these items we are going to run the Expo Center and we have had some discussion as to who will run that center and maybe we can hold off on this vote until after our retreat. Several council members stated they were not comfortable approving all these purchases in this proposed ordinance. Mayor Townsell asked Mr. Ibbotson what he needs immediately. Mr. Ibbotson stated he requests that council fund the capital requests for Conway Station Park and the Ford pickup for the Fairgrounds/Expo Center. Alderman Jones asked if

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there is a need for a truck at the Fairgrounds. Mr. Ibbotson stated one pick up is actually for the individual filling in as the Fairgrounds Director and it will be shared with the McGee Center. Mayor Townsell asked if there was anything else. Mr. Ibbotson stated we actually just had a laptop go down and IT stated we need to replace it. Mayor Townsell stated if you would consider a laptop for the director and the program scheduler, the Conway Station Capital requests, and Fairgrounds. Alderman Jones stated he feels we should hold this over until we can discuss it further. Alderman Rhodes motioned to approve the expenditures for \$16,200.00 for the Ford F-150 for the Fairgrounds, \$129,850.00 for the capital requests listed for College Station Park, and \$3,000.00 for 2 laptops at Don Owen. Alderman Grimes seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderman Grimes, and Alderman Vaught. The motion passed 6-2. Alderman Jones and Alderwoman Whitmore voted in opposition. The total for the items approved is \$149,050.00 and this amount should be placed in the ordinance. Alderman Rhodes motioned to add an emergency clause to the ordinance. Alderman Grimes seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

C. *Public Safety Committee (Police, CEOC, Information Technology, Fire, District Court, City Attorney & Animal Welfare)*

1. Ordinance to approve donations from the Conway Fire Department to other agencies.

O-11-10

Mayor Townsell stated we are donating an ice machine that we no longer need to the Hwy 286 Volunteer Fire Dept. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Jones 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 Rhodes, Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

Old Business

New Business

1. Consideration to change the next regular schedule City Council meeting (February 8th, 2011) to an alternative date.

Mayor Townsell suggested Tuesday February 15, 2011. Alderman Rhodes motioned to move the next meeting to February 15, 2011. Alderwoman Smith seconded the meeting. There was no discussion. The motion passed 8-0.

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Adjournment

PASSED this 25th day of January 2011

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett