
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
September 13 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; Alderwoman Smith, Alderwoman Mehl, Alderman Rhodes, Alderman Jones, Alderwoman Whitmore, Alderman Vaught, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Hawkins was not in attendance.

Call to Order

Roll Call

Minutes: August 23rd, 2011 & September 6th, 2011

Alderwoman Whitmore motioned to approve the August 23, 2011 and the September 6, 2011 minutes as submitted. There was no discussion. The motion passed 7-0.

Announcements / Proclamations / Recognition:

1. Report of Standing Committees:

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

- 1. Resolution setting a public hearing to discuss the closing of a 10 foot utility (waterline) easement located within The Village at Hendrix, Multi-Family row house units.**

R-11-45

The public hearing will be held Tuesday September 27, 2011 at 6:30 pm. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

- 2. Resolution setting a public hearing to discuss the closing of a portion of College Avenue, Front Street, Elm Street, and Chestnut Street right of ways.**

R-11-46

The public hearing will be held Tuesday September 27, 2011 at 6:30 pm. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

- 3. Resolutions requesting the Faulkner County Tax Collector to place certified liens on certain properties as a result of incurred expenses by the City.**

R-11-47

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Mayor Townsell stated the property address is 241 Center St; the cost of cleanup was \$145.31 plus 10% collection penalty. There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith the motion. There no discussion. The motion passed 7-0.

R-11-48

Mayor Townsell stated the property address is 4470 Raleigh Dr; the cost of cleanup was \$169.63 plus 10% collection penalty. There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

4. Consideration to approve the 2011 CDBG recommendations & contracts.

Alderwoman Smith motioned to approve the recommendations and contracts. Alderwoman Mehl seconded the motion. The motion passed 7-0. The recommendations are listed below:

Project Requests:

Pine Street Revitalization Project - \$90,000.00

Housing Rehab - \$70,000.00

Building - \$50,000.00

New Construction - \$50,000.00 (moved from 2010 Downtown Drainage Project)

Total (Pine Street Projects) = \$260,000.00

Public Service Requests:

Bethlehem House - \$15,000.00

Boys & Girls Club - \$9,000.00

Senior Citizens - \$10,000.00

FCCDD - \$20,000.00

Women's Shelter - \$6,000.00

Total Services = \$60,000.00

5. Consideration of a RFQ for environmental assessments related to the Boys & Girls Club and Bethlehem House Project.

Alderwoman Smith motioned to hold this item in committee until later in this meeting. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

6. Consideration to accept bid for traffic light installation at Donaghey and Lee Avenue.

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell stated the recommendation is to award this bid to the low bidder All Services Electric in the amount of \$32,997.50. Alderwoman Smith motioned to award this to the low bidder. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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7. Ordinance accepting grant proceeds and appropriating funds for the new Conway Municipal Airport.

O-11-69

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell stated the grant is for \$3,440,215.70. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. There was no discussion. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

8. Consideration to accept bids for the Stage 1B - Grading and Drainage Construction for the Relocated Conway Airport.

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell stated the recommendation is to award the bid to Paladino Construction in the amount of \$3,440,215.70. Alderwoman Smith motioned to award the bid to Paladino Construction. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

9. Consideration to approve a material testing contract from Thomas & Associates for the Relocated Conway Airport.

Ronnie Hall, City Engineer, was present to answer questions. Mayor Townsell stated the estimated cost of this work is up to \$55,260.00 and will be based on the actual testing work performed multiplied by the unit prices in the contract. The contract amount will be reimbursed 95% from the 2010 FAA Grant and 5% from a State Aeronautic Dept. Grant. Alderwoman Smith motioned to approve Thomas & Associates for the material testing contract. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

10. Consideration to approve an engineering services contract from Garver Engineers for the Relocated Conway Airport.

Mayor Townsell explained we are awarding Garver Engineering the listed items below related to Stage 1B - Grading and Drainage Construction in the amount of \$391,000.00. Alderwoman Whitmore motioned to approve this contract. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Project Support Services - \$28,000.00
Construction Observation Services - \$235,000.00
Construction Administration - \$30,000.00
Design Engineering - \$98,000.00

11. Consideration of several condemnations for Conway Corporation related to Tupelo Bayou Wastewater Treatment Plant.

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Richie Arnold, CFO, Conway Corporation explained there are three projects they are working on that the needed easements will help us accomplish our goals; one being the Sewer Improvement "B" along Little Creek and the Hendrix Branch of Little Creek in east Conway which is in need of a new sewer line. Mr. Arnold stated no one is claiming ownership of this parcel of land, so we have no recourse but to ask for condemnation.

Mr. Arnold explained we have been communicating with the Cooper's via their attorney in regards to this easement and since an agreement cannot be reached condemnation is necessary.

Mr. Arnold explained the other four easements include a power line (located on the south side of Dave Ward Dr) and a future water line easement (also located the south side of Dave Ward Dr) which will cross the Spatz properties. Mr. Arnold explained we would like to take the Tupelo Bayou Wastewater Treatment Plant (aka TBWWTP) to bid in December with construction possibly beginning in January or February 2012; we need to get utilities in the area not just for our project, but for citizens who have been annexed since 2009 that have been waiting for public utilities to be put in place. Mr. Dan Spatz presented an audio visual presentation to council and expressed his gratitude for Conway Corporation and explained that over the last four weeks we have had numerous meetings with Conway Corp and have done so in the spirit of good faith negotiations, and we have as a family, have tried many ways to find a solution; we offered to give Conway Corp the easement if they would put the utilities underground, that was not possible, we then offered to allow Conway Corp to place the easements along any other line on the property, if it has to go on the south side, and again we were told, that is not possible and asked council to consider their decisions wisely as it looks to Conway's future growth, development and vision; Mr. Spatz does not support the condemnation. Mr. Arnold explained that Conway Corp does not have the rate base to place power lines underground in lieu of overhead, this is always developer funded and the cost variable is 12 times greater, which we estimated would run \$2.7 million as opposed to approximately \$225,000.00; we would have to ask the other rate payers to do something that is not done anywhere else on Dave Ward Dr. Mr. Arnold explained the other option, proposed was to place the easement on another part of the property, this was not feasible as their neighbors, the Brown's, were not in agreement with this; there is also no access road to the property to maintain the easement properly in the case of power outages etc. Mr. Spatz reiterated he would just like more time to negotiate. Mr. Arnold stated there are some locations in Conway that we have had to abandon lines due to lack of access; if there is an outage, that cannot be restored quickly, it could put people's lives in danger and we are very sensitive to these types of situations; we are willing to continue to negotiate with the Spatz family up until right of entry is given, but it is imperative we move forward. Harton Spatz, Lollie Rd resident, does not feel it is necessary to condemn his property just to run lines on the south side of Dave Ward Dr when there are lines already running on the north side of Dave Ward Dr. An unnamed woman spoke in opposition to the condemnations. Mr. Arnold explained it is necessary to move forward as quickly as possible due to the many permits they have applied for and are waiting for, these all come from various government entities and we are required to follow their guidelines. Mayor Townsell asked Conway Corp. to clarify the type of easement this will be. Greg Dell, Conway Corporation, stated it is only water, cable, and electric only. After much discussion Mayor Townsell explained he is no fan of over head power lines and sympathizes with the citizens but the fact of the matter is we must we must move forward and negotiations can still continue. Mayor Townsell stated we need approval for the 7 easements as submitted by Conway Corp. After more discussion on

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various ways to meet the needs of the Spatz family and Conway Corp. Alderwoman Mehl motioned to hold the Spatz condemnation (total of 4 easements on Dave Ward Dr) in committee of 2 weeks and no longer. Alderman Rhodes seconded the motion. There was no discussion. The motion passed 6-1. Alderwoman Smith voted in opposition. Alderman Rhodes motioned to approve the condemnation for 2 easements on Little Creek and the condemnation for 1 easement on the Cooper property on Lollie Rd. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Ordinance accepting and appropriating funds for the purchase of a LOGO T100 Imaging System for the Conway Fire Department.

O-11-70

Mike Winter, Asst. Fire Chief, was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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 Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

Old Business

New Business

1. Consideration to enter into an encroachment agreement with Centerpoint Energy for property located within Conway Station Park.

Mayor Townsell explained the Young Business Men's Association has granted to Centerpoint Energy the right to bring a transmission gas line across the southern end of the property; this agreement protects our rights to use that property. Alderwoman Smith motioned to enter into this agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

2. Discussion of the proposed new City Council ward lines.

Mayor Townsell explained the primary changes of the proposed ward lines would cause Ward 3 to lose all the area east of Salem Rd, a small portion south of the railroad tracks, and it picks up the landfill. Mayor Townsell explained that Ward 2 moves west to Salem Rd. loses a portion between Caldwell and Prince St. Ward 1 jumps north of College between Salem Rd and Donaghey and proceeds all the way to Prince St. and loses the area south of Favre Lane to Civil Defense Hill. Jason Lyon, Planning & Development Dept., explained the current adopted ward lines are from Ordinance O-01-95 and stated we used Metro Plan drawings and began with Metro Plan "Alternative 2" with a few modifications. Mr. Lyons stated after this plan was submitted to council some council members had concerns so those items were addressed and modified; this is now more

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geared towards Metro Plans "Alternative 1" drawing. Mr. Lyons stated Ward 1 has very little changes and explained that Ward 3 was by far the largest via population having 30% of the population; Ward 3 lost Adamsbrooke/Laurel Park area. Mr. Lyons stated Ward 2 gained Tucker Creek, Brier Springs, Smoking Oaks, and Nob Hill, it also pushed south of the railroad tracks. Mr. Lyons stated Ward 4 gained Spring Valley, Justin Place. After some discussion Mayor Townsell stated we should table this item for a couple of weeks.

Mayor Townsell stated tabled an item earlier while awaiting the arrival of Lauralee McCool, CDBG, director and explained we also need to add an item to the agenda regarding an RFP assessment for the Boys and Girls Club and the Bethlehem House Project.

Ms. McCool explained the Phase 1 Environmental Assessments related to the Boys and Girls Club and the Bethlehem House Projects are required on both projects and the contracts you approved earlier this evening did not include the Boys and Girls Club. Ms. McCool stated we received 6 RFQ's and City Engineer, Ronnie Hall, helped me look over these proposals and recommended Terracon out of Bryant, Arkansas. Alderwoman Mehl asked are they the least expensive. Ms. McCool stated you cannot bid engineering work. Alderwoman Mehl motioned to accept the RFQ from Terracon. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

Alderwoman Mehl motioned to suspend the rules to add items to the agenda. Alderwoman Smith seconded the motion. The motion passed 7-0.

Ordinance appropriating funding for Civil Service expenses.

O-11-71

Alderwoman Mehl motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Mayor Townsell stated the amount needed is \$6,000.00. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

Laura Dryer, owner of the Dryer Building, explained they have hired Bob Paullus of Paullus Structural Consultants as their shoring engineer and the shoring plans have been delivered to a contractor and they will keep us updated.

Adjournment

PASSED this 13th day of September 2011

APPROVED:

Mayor Tab Townsell

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City Clerk Michael O. Garrett