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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
November 8, 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 Rhodes, Alderwoman Mehl, Alderman Hawkins, 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. Alderwoman Smith was not in attendance.

*Call to Order*

*Roll Call*

*Minutes: November 1<sup>st</sup>, 2011*

Alderwoman Whitmore motioned to approve the November 1, 2011 minutes. Alderwoman Mehl seconded the motion. 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 requesting the Faulkner County Tax Collector to place a certified lien on certain properties as a result of incurred expenses by the City.**

**R-11-67**

Alderman Hawkins stated the property address is 3035 Franklin Circle; the cost of cleanup was \$118.61 plus 10% collection penalty. There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**R-11-68**

Alderman Hawkins stated the property address is 3910 Rupert Dr; the cost of cleanup was \$132.36 plus 10% collection penalty. There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

- 2. Ordinance to rezone property located on the North side of Carl Stuart Street from R-1 to MF-2.**

Chris Thornton, 42 Lakeview Drive, stated we were ready to move forward with this request until we received a request last night from an adjoining neighborhood resident who requested we hold off on this item until we can meet with more of the neighbors and discuss our plans. Mr. Thornton stated there were only a few people who were properly notified and was quite a bit of confusion in regards to the rezoning request and

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requested that council hold this item in committee. Bryan Patrick, Planning & Development Director, explained an applicant for a rezoning request has 30 days to notify the Mayor's office of their intent to appeal to council; if the applicant wishes to pull the item from the agenda they have until noon Thursday prior to the council meeting to do so. Rob O'Connor explained when he recommended more time be given to discuss this rezoning he was speaking for his household only and would like to know more about the project plans. Will Tyson, 2765 Eastport Circle, stated M-F 2 is not a good fit for this established neighborhood and he has many concerns about increased traffic especially near a school. Alderman Vaught stated he is in favor of allowing time for the neighbors and the applicants to meet. An unnamed individual stated he has had no contact since first openly opposing the proposed rezoning and finds it hard to believe that one individual asking for more time has made a difference; he feels that the best zoning for this land is R-1 and is against the proposed rezoning. Mr. Thornton stated he spent the better part of a week visiting the neighbors and tried to answer any questions. The unnamed gentleman stated this is true, however, he did not realize until he looked up the zoning codes that he felt the rezoning was not in the best interest of the area. Alderman Hawkins stated that this request would be perfect as a PUD so restrictions could be put in place and the owners and the area neighbors could both have input. Alderman Hawkins motioned to hold this item in committee until the December 13, 2011 meeting. Alderman Vaught seconded the motion. The resident of 2763 Eastport Circle and the resident of 19 Deerwood Drive both spoke in opposition of the proposed rezoning. Jason Miller, 1 Deerwood Drive, stated his children and 100's of others walk in the neighborhood daily and feels it's not in the best interest of the neighborhood to build multiple unit housing in an area where there are two schools; the traffic alone would be a reason to not support the rezoning. Mr. Patrick explained that the applicant can withdraw their request for rezoning and if council so chooses the applicant can request to be permitted to come back with another proposal and the process would begin again at the planning commission level. Mr. Thornton requested that the rezoning be withdrawn and asked that we be allowed to present a PUD that might be able to meet the approval of more residents in the area. Alderman Hawkins motioned to withdraw his motion on the floor. Alderman Rhodes motioned to allow Mr. Thornton to withdraw his rezoning request. Alderwoman Mehl seconded the motion. Alderwoman Mehl called a question. The motion passed 6-0-1. Alderman Grimes abstained. This will allow Mr. Thornton to bring a new proposal before council once he goes back through the planning process.

**3. Ordinance to rezone property located at the northeast corner of Meadowlake and Salem Roads from A-1 to C-2.**

Cliff Henry, Attorney at Law, explained his father Bob Henry was retained to represent the Irby's on this rezoning, but has been advised by his doctor to not be involved in any stressful situations. Mr. Henry asked council to table this matter and allow him time to prepare. Alderwoman Whitmore motioned to hold this item in committee to allow Mr. Henry to retrieve his calendar. Alderwoman Mehl seconded the motion. The motion passed 7-0. After Mr. Henry returned with his calendar Alderman Hawkins motioned to hold this item in committee until Tuesday January 10, 2012. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

**4. Ordinance appropriating funds from Conway Corporation for the New Conway Municipal Airport.**

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O-11-95

Aldерwoman Whitmore motioned to waive the readings of the ordinance. Aldерwoman Mehl seconded the motion. The motion passed 7-0. Mayor Townsell stated this is just a loan from Conway Corp until we receive our 5% funding from the Arkansas Aeronautics Dept. Aldерwoman Whitmore motioned to adopt the ordinance and the emergency clause. There was no further discussion. The clerk called the roll with the following voting "Aye": Aldерman Rhodes, Aldерwoman Mehl, Aldерwoman Whitmore, Aldерman Grimes, Aldерman Hawkins, Aldерman Vaught, and Aldерman Jones. The motion passed 7-0.

5. **Consideration to accept bids for a Mini Track Mounted Hydraulic Excavator; a Crawler Dozer; a Track Mounted Hydraulic Excavator; and a Tractor w/ 5<sup>th</sup> Wheel for the Street Department.**

Ronnie Hall, City Engineer, recommended the following 3 low bids be approved and to reject the bid for the over the road type truck:

**(Used Mini Hydraulic Excavator (38 Min. Hp.)**

Ronnie Hall, City Engineer, recommended the bid from JA Riggs in the amount of \$26,800.00 for a used Caterpillar 303.5 C CR with 978 hours. Mr. Hall explained we have rented this piece of equipment all year and we have been given credit for the rental price.

**(Used Crawl Dozer 17,100 Lbs. Min. & 74 Hp. Min.)**

Mr. Hall recommended the bid from JA Riggs in the amount of \$49,800 for a used Caterpillar D3K with 1070 hours; this price includes a credit of \$10,000.00 for trade in of our existing Cat 953 Track Loader that is in non-operating condition.

**(Track Mounted Hydraulic Excavator (37,200 Lbs. Min. & 115 Min. Hp.)**

Mr. Hall recommended the bid from Hugg & Hall Equipment in the amount of \$110,783.00 for a Volvo ECD160CL; this price includes a credit of \$8,500.00 for trade in of our existing Cat 953 Track Loader that is in non-operating condition.

Mr. Hall requested that the bid submitted for the tractor with 5<sup>th</sup> wheel be rejected, as we are of the opinion we can get this type unit at a better price if we modify our bid specs and rebid this next year.

Aldерwoman Whitmore motioned to accept the 3 low bids and to reject the bid on the truck. Aldерwoman 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 donated funds and appropriating funds to the Conway Fire Department.**

O-11-96

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Mayor Townsell stated the fire department would like to purchase a DVD Series that can be used as a training tool for the entire department. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

**C. Personnel**

**1. Consideration to accept the RFP for 2012 Medical/Dental/Life Benefits.**

Lisa Mabry-Williams, Human Resource Director, recommended council approve the renewal of our existing contract with Blue Cross Blue Shield (BCBS) Dental, Health Advantage Medical, and USAble Life as they submitted a zero increase for 2012 employee benefits. Alderwoman Whitmore motioned to stay with BCBS for Dental, Health Advantage for Medical, and USAble for Life. Alderman Hawkins seconded the motion. Ms. Williams gave a brief synopsis of the proposals received. There was no further discussion. The motion passed 7-0.

*Old Business*

*New Business*

*Adjournment*

**PASSED this 8<sup>th</sup> day of November 2011**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**