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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
March 22, 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 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. Alderwoman Smith was not in attendance.

**Call to Order**

**Roll Call**

**Minutes:** March 8<sup>th</sup>, 2011

The minutes for the March 8, 2011 meeting will be held for approval until the next scheduled council meeting.

**Announcements / Proclamations / Recognition:** *Employee Service Awards*

**5 Years**

Officer Jerry Bird - Police Dept  
Todd Wesbecher - Police Dept  
Ryan Lee - Sanitation

**10 Years**

Adam Tilley - Fire Dept  
Josh Elliott - Street Dept

**15 Years**

Officer Bruce Childers - Police Dept  
Tim Capps - Fire Dept  
Christy Southerland - Planning Dept

**20 Years**

Detective Tommy Balentine - Police Dept  
Sgt. Greg Jeffries - Police Dept.  
Major Jody Spradlin - Police Dept

**40 Years**

Tommy Fowlkes - Street Dept

**1. Report of Standing Committees:**

**A. Public Hearings:**

- 1. Public Hearing: Ordinance to change the name of Southwestern Energy Drive to SWN Drive.**

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Mayor Townsell opened the public hearing. No one was present to speak. Mayor Townsell closed the public hearing.

**O-11-25**

Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Mehl seconded the motion. The motion passed 7-0. Alderman Whitmore motioned to adopt the ordinance and the emergency clause. Alderman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderman Mehl, Alderman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

**2. Public Hearing: Ordinance closing the easternmost 794 feet of Bruce Street (Oak Grove Cemetery Entrance on East) on the southern edge of Cantrell Airfield.**

Mayor Townsell stated this does not extend to the far eastern end of Oak Grove Cemetery property. Mayor Townsell opened the public hearing. Joe Wankum, Committee Member at Meadowlake, asked if the city has considered, once the airport is closed, if the city will want to extend that street over to Exchange and how much you would pay to get the property back. Mayor Townsell stated the City is technically the owner of the cemetery and the airport; we will relocate the road north into the airport property and give it more proper distancing from the roadway, and the cemetery, such that all the different side roads will not access off of Bruce St., but via an internal road to the cemetery. Mayor Townsell closed the public hearing.

**O-11-26**

Chris Spatz, Chairman Oak Grove Cemetery, was present to answer questions. Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Mehl seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderman Mehl seconded the motion. Alderman Whitmore asked if the only public utility waiver we received is from AT&T. After some discussion Ronnie Hall, City Engineer, stated you may reserve an easement for any utilities existing in the right of way. Mayor Townsell concurred. Abandon to the extent allowed. Michael Murphy, City Attorney, suggested inserting "*reserved and subject to any currently existing utility easements*" in the first paragraph after the description. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderman Mehl, Alderman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

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

**1. Consideration to accept the nomination of Steve Connors for the Conway Corporation Board of Directors.**

Alderman Hawkins stated the recommendation forwarded to us for approval is Steve "Bo" Conner and motioned to approve this nomination. Alderman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

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**2. Consideration for tree trimming to remove obstructions at Cantrell Field (west end of Runway).**

Ronnie Hall, City Engineer, stated the trees at the west end of the runway have grown to the point of needing trimmed; in 1992 we secured the right to trim the tree on Mr. Brady's property and the cost to trim the tree is \$1,200.00. Mr. Hall stated Mr. Brady would prefer us to take the tree down but he would like \$2,000.00 for this. Mr. Hall stated there are 2 trees on Kenny Clark's property, adjacent to the big oak tree on Mr. Brady's property. Mr. Clark wants \$2,000.00 for the right to take down the tree; the cost to cut it down is \$1,500.00. Mr. Hall stated there is another tree Mr. Clark wants \$1,300.00 for the right to take down, and the cost is \$600.00 to cut it down. Mr. Hall stated to accommodate these gentlemen it will cost us \$4,000.00 on Mr. Brady's property and \$5,400.00 on Mr. Clark's property, this would remove the obstructions from the runway. Mr. Hall state we could just trim Mr. Brady's tree for \$1,200.00. Alderwoman Mehl asked if trimmed back, how long they stay low enough. Mr. Hall stated approximately 5 years, which is our time estimate on moving the airport to its new location. Alderwoman Mehl stated trimming it back is more affordable. Mayor Townsell asked what we need to do to take care of Mr. Clark. Mr. Hall stated Mr. Clark will need to trim his tree or take it down. Mayor Townsell stated he does not want us to trim it; he wants us to take it down. Mr. Hall stated that is correct and it is just as inexpensive to take it down as to trim it. Alderman Hawkins asked if we would get by with just trimming them. Mr. Hall stated yes, but he does not feel like there is any difference in the cost. Alderman Hawkins stated he feels we should just trim the trees. Mayor Townsell asked so we want to pay Mr. Clark \$2,000.00 for the right to trim his trees. After some discussion Alderman Jones motioned to cut the trees down on Mr. Clark's property. Mayor Townsell suggested we pay \$1,200.00 to trim Mr. Brady's tree, pay \$3,500.00 to Mr. Clark for the right to cut the trees, and cap it at \$1,900.00 to remove a portion if not all of those trees. Alderman Jones stated to make that his motion. Alderwoman Whitmore seconded the motion. Alderman Grimes asked if we could take bids on trimming/removal. Mr. Hall stated the expense comes from the trees being over a structure. Alderman Grimes stated we can approve up to this amount. Mayor Townsell suggested obtaining quotes to avoid the bid process. There was no further discussion. The motion passed 6-1. Alderman Vaught voted in opposition.

**3. Consideration to accept bids for the Stage 1A-Grading and Construction for the new Conway Municipal Airport.**

Ronnie Hall, City Engineer, recommended the low bid from A.G. Hunt Construction Inc. in the amount of \$1,592,606.20. Alderman Hawkins motioned to accept the low bid. Alderwoman Whitmore seconded the motion. After some discussion the motion passed 7-0.

**4. Consideration to amend the contract with Garver & Garver for the new Conway Municipal Airport.**

Ronnie Hall, City Engineer, explained the FAA asked us to amend the engineering contract so the final quantity mirrored the actual expenditure; there was a cost overrun in the engineering contract primarily due to the extended negotiations for the land and he believes the consultant working for Garver spent twice as much time working with the individuals in the Lollie Bottoms than he anticipated; this was a cost plus item. Mr. Hall

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stated they were due the money and the amount is \$7,526.28 in excess of the \$650,000.00 contract price. Alderman Jones motioned to approve this contract amendment. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

5. **Ordinance amending Ordinances O-06-139 (Old Conway Design Overlay District) and O-10-12 Historic District Commission, which would combine these boards.**

**O-11-27**

Bryan Patrick, Planning Director, explained this proposed amending ordinance will combine The Old Conway Design Review Board and the Historic District Commission merged together into one body; it will also has some minor changes to the Old Conway Design Review Board notification requirements to make them match the Historic District Commission requirements so it is seamless. Mr. Patrick stated the reasoning behind this would be the similarity of the review items as a lot of the items come before both boards, the Historic District Commission is more about true preservation in anything you do to the exterior of a home within a Historic District, which right now the Robinson District is the only one we have. Mr. Patrick stated the Old Conway Design board is more concerned with additions and new structures but the Historic District also looks at the same criteria; most of the reviews the Historic District board has seen in the past year have been additions and new construction so for the most part the reviews have been of similar nature and either board could have made the call on any of the cases. Mr. Patrick stated member education is also a good reason for them to combine as each year I work to send out a grant to the Arkansas Historic Preservation Program that provides training opportunities through the Arkansas Preservation Conference that is typically held within the state and they provide money to send members to the conference to acquire training. Mr. Patrick stated it would also allow us to recruit the best qualified individuals from the community on the board if it were cut down to one board. Currently we have 2 boards with 9 members each, if we were to combine these boards today we would have two members from Ward 1 and Ward 2, three members from Ward 3, and four members from Ward 4. Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. Alderwoman Mehl asked if this changes any district boundaries. Mr. Patrick stated yes it does. Mayor Townsell stated in Section 5 of the ordinance we have designated a transition zone which is the block that Central Baptist College sits on, bounded by College to the north, Conway Blvd to the east, Bruce St to the south, and Center St on the west. Mr. Patrick explained it does not actually change the boundary, the boundaries of Old Conway and Robinson Old Historic District are still the same, it does change, if you remember when the Old Conway Design Overlay area we have 3 zones, residential, transitional, and urban and at this point it does not make sense to have Central Baptist College to be seen as residential, it is not a change of boundary but a change of the zoning district. Mayor Townsell stated we need to *Section 5 by eliminating Bruce St and inserting Robins St so it says "Robins St on the South"*. Alderman Hawkins and Alderwoman Mehl approve of the amendment in their motions. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 7-0.

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**6. Consideration of a conditional use permit from Deep Well Campus Ministries to allow restricted office and religious activities in an R-2A zone for the property located at 625 Donaghey Avenue (Southwest corner of Donaghey and Louvenia).**

Matt Carpenter, Deep Well Ministries, in addition the drawing created by Bryan Patrick, Planning Director of some on-site parking scenarios, I have a letter from Brian Gibbs of Conway Regional Medical Center authorizing us to park off of Louvenia St during off hours which is anytime after 5:00 pm which will alleviate parking issues. Mayor Townsell stated he drove by the location and the street is a wider street, but we will probably have to prohibit parking on at least one side. Alderman Jones motioned to approve the conditional use permit with the seven conditions. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0. The conditions are as follows:

- Hours of operation for the staff offices are 8:00 am to 6:30 pm, Monday through Friday. Religious activities may occur outside of office hours.
- Signage - Wall signage limited to two (2) square feet in area. Freestanding signage shall be a non-illuminated monument or two (2) pole sign no greater than four (4) feet in height and four (4) feet wide.
- Architectural Compatibility - Any remodeling or new construction must be compatible with the surrounding architecture as allowed by the Old Conway Design Review Board.
- Term of Conditional Use - Conditions are limited to the applicant.
- Any additional lighting/buffering/screening above Development Review standards.
- Sidewalks - Construction and/or repair of existing sidewalks is required and additional parking up to seven (7) spaces. Students will use UCA's parking lot and staff will use existing and add additional parking.
- Vehicle access to the property shall be from Louvenia.

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

**1. Consideration to accept bids to purchase a 2011 Automated Side Loading Refuse Truck for the Conway Sanitation Department.**

Mayor Townsell stated we previous awarded this bid to Shipley Motor but as it turned out they could not deliver the truck within the timeframe promised. Mayor Townsell stated the second lowest bidder, Tri State Truck Center (\$230,470.00), can deliver the truck in a timely manner and recommended awarding this to Tri State Center. Alderwoman Whitmore motioned to award this bid to Tri State Truck Center. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

**2. Consideration to approve a change order by Salter Construction for Conway Station Park.**

Mayor Townsell stated the change order is for \$19,350.00 for various items needed to completion of the park; these items are listed on the second page; some were changes that we required via building inspection, and some being where an estimate was plugged in

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on their bids. Alderman Jones stated he has heard concerns, and has his own concerns that the pond is open and accessible by children. Alderman Jones stated as a city he knows we are not liable but noted kids will be kids and suggested putting up some type of fencing in an effort to keep kids out of the pond. Mayor Townsell stated as an aesthetic concern he has an issue with fencing the entire pond, since the outside of those four-plexes, next to the bond, do not have gates we can block them off for the time being, there will be ways to access that area from the inside, but for now we close off the area between the two outside fences so you cannot walk from the concession building down to the pond. Alderman Jones asked if the entire park will be fenced. Mayor Townsell stated no. Alderman Jones stated then the same thing applies to neighborhood children. Mayor Townsell stated he has a problem with fencing the entire park. Steve Ibbotson, Parks Director, was present to answer questions. Alderwoman Whitmore motioned to approve the change order. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 7-0.

### **3. Consideration to accept bids on two Infielder Rakes for the Conway Parks & Recreation Department.**

Steve Ibbotson, Parks Director, stated these were originally priced at \$47,000.00; Mr. Ibbotson recommended accepting the low bid from the Luber Brothers in the amount of \$21,161.14 for both. Alderwoman Whitmore motioned to accept the low bid from Luber Brothers. Alderwoman Mehl seconded the motion. Mr. Ibbotson stated they did bid without tax and they were notified and are aware that they will have to meet the bid specs that the bid quote must include all charges, including taxes, fees, and shipping. There was no further discussion. The motion passed 7-0.

### *Old Business*

### *New Business*

#### **1. Consideration of a property exchange between the Hart Family & the City of Conway.**

Mayor Townsell explained Mitch Hart could not attend this evening and stated council can hold this item or discuss and vote. Mayor Townsell stated the city had an appraisal on our property and the Hart property as did Mr. Hart. The Hart families land appraised for approximately \$58,162.00 per acre, if we swapped our land at Beaverfork for the land at the Fairgrounds we would be getting about roughly 9.456 acres and giving up 7.69 acres. Mayor Townsell stated they have agreed to enrich what they are swapping to us and raise it from 9.5 acres to 13 acres; we were thinking our property on the lake would appraise closer to \$1 million as an earlier appraisal indicated, but these 2 appraisals did not, the high appraisal came in at \$600,000.00 for our land and \$500,000.00 for the low appraisal. Alderman Hawkins motioned to hold this item in committee. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

#### **2. Resolution creating a City of Conway Reserve Account.**

Alderman Vaught stated these resolutions have not been approved by our City Attorney Michael Murphy and I would not ask council to pass them before Mr. Murphy has the opportunity to look them over. Alderman Vaught stated he has several issues with the

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first resolution presented because it states that we will determine, at a later date, what portion of funds will fund it. Alderman Vaught stated he would also like for this resolution to “not” be in any way tied to the bond issue; as it is now worded “the City Council deems it desirable that if the question passes; that they shall authorize a certain portion of the funds (to be determined at a later date)”. It sounds as if we are telling our citizens if you pass our question of rededicating the bonds then we will create and begin to fund our reserve. He would like to just set it up and talk about funding and if we want to tie it back to the bond issue we can, this is why you will see the other resolution proposed which is something he thinks is good and he has heard from several people, city employees and citizens as well that say they are uncomfortable with the current status of what we are asking them to do because there is no formal resolution or ordinance that specifies what the city council intends to do with the proposed funds of the question. Mayor Townsell stated we have some time we can discuss this at a committee meeting. Council concurred. Alderman Jones motioned to hold these resolutions in committee. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

Lowell McClanahan stated the Citizens Task Force has had 3 meetings since its approval; we have established our meeting dates to be the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of each month. We are currently reviewing departments, one at each meeting, and city councils objectives that you put fourth have been communicated to the committee.

*Adjournment*

**PASSED this 22<sup>nd</sup> day of March 2011**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**