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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
August 23, 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, 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 Whitmore was not in attendance.

**Call to Order**

**Roll Call**

**Minutes:** *August 9<sup>th</sup>, 2011*

Alderwoman Smith motioned to approve the August 9, 2011 minutes as submitted. Alderman Hawkins seconded the motion. The motion passed 7-0.

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

**5 Years**

Stephen Bean – Sanitation Dept.

Steven Newsom – Sanitation Dept.

**10 Years**

Clint Brock – Parks Dept.

William Canady – Physical Plant

Ken Burroughs – Fire Dept.

Glen Cooper – Police Dept.

**25 Years**

Greg Fiddler – Fire Dept.

**1. Report of Standing Committees:**

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

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

**R-11-42**

Alderman Hawkins stated the property address is 1750 Arden Lane; the cost of cleanup was \$152.29 plus 10% collection penalty. Ottie Cowgill, Code Enforcement Officer, spoke to the conditions of the property and explained there had been numerous trips made to check the property and this has been an ongoing problem for several months. Alderwoman Smith motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There no discussion. The motion passed 7-0.

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**R-11-43**

Alderman Hawkins stated the property address is 516 First Ave; the cost of cleanup was \$279.74 plus 10% collection penalty. There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

**2. Ordinance authorizing additional personnel for the CDBG Program.**

**O-11-64**

Lauralee McCool, CDBG Director, explained that HUD has requested, for several years, to we hire additional personnel and stated that a Project Coordinator was put into my budget for 2011 but she has held off on hiring due to the cities problem with the general fund. Ms McCool provided council a spreadsheet showing how much money is left in her budget and the proposed ordinance is to reclassify the full time Project Coordinator to a part time Administrative Asst II. Alderman Vaught asked if this could hold off until the end of the year after the budget process and the task force committee just tonight made a recommendation to freeze all hiring. Ms. McCool stated we could hold off but there is a lot to be done in a short period of time. After some discussion Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderman Hawkins, Alderman Grimes, and Alderman Jones. The motion passed 6-1. Alderman Vaught voted in opposition.

**3. Consideration of a request from the Conway Bicycle Advisory Board for the appointment of Duston Morris to the board.**

Alderman Hawkins motioned to accept the nomination of Duston Morris. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**4. Consideration of a request by the Conway Bicycle Advisory Board to create designated bicycle routes within the City of Conway.**

Peter Mehl, Bicycle Advisory Board, explained some individuals have expressed concerns in regards to riding on the main thoroughfares and have asked us about having designated routes in residential areas and stated they would like to install signs along one such route. This route will connect with Tucker Creek Trail and will run through Shady Valley, Smoking Oaks, across Salem Rd. through Gatlin Park and over to Hendrix College. Mayor Townsell stated we will receive an estimate on what the signage will cost and explained this would come out of the Street Fund. There was no discussion. Alderwoman Smith motioned to approve Shady Oak Bike Route. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

**5. Ordinance amending by reference Ordinance O-94-54 (Conway Zoning Ordinance) in reference to PUD (Planned Unit Development) to clarify regulations, procedures, and definitions.**

O-11-65

Bryan Patrick, Planning Director, explained the PUD portion of the zoning ordinance was updated in the summer of 2009 which modernized it, but we have found some items that need corrected. Mr. Patrick gave a synopsis of the proposed changes. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Jones seconded the motion. Alderman Vaught suggested waiting to see if upcoming PUD projects may want to look these changes and provide input. Mr. Patrick stated he has alerted some potential PUD applicants and made them aware of these upcoming changes and they were glad to see the proposed changes added to the ordinance and some local developers feel these are appropriate changes. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderman Vaught, Alderman Hawkins, Alderman Grimes, and Alderman Jones. The motion passed 7-0.

**6. Consideration to accept bids for the Stone Dam Creek Pedestrian/Bike Trail from Mimosa Drive to Dave Ward Drive.**

Ronnie Hall, City Engineer, recommended the low bidder F.P. Bivens Construction Co. in the amount of \$769,239.35. Mr. Hall recommended removing the decorative fence at (\$70.00 per foot) from the bid and find a more inexpensive pedestrian barrier. Mr. Hall went onto say that we need approximately two weeks to work out the right of way issue from Bear Village to Dave Ward Drive; we can delay this for 2 weeks or award it and stop work at the north side of Bear Village until we obtain the right of way. Alderman Jones motioned to hold this in committee. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

**7. Consideration of right of way acquisitions along Old Military Road - McNutt Road at Donnell Ridge.**

Ronnie Hall, City Engineer, explained in an effort to arrive at an equitable value for the Harland Development Co. property we requested that Ronald Bragg of Little Rock to prepare and review the appraisals for these properties. Mr. Hall stated Mr. Bragg gave equal value to our two appraisals on parcel #1 (north side ridge 2.673 acres) and leaned more toward Affiliated appraisals for parcel #2 (south side ridge 3.068 acres). Mr. Hall explained how the appraisals amounts were determined and stated Mr. Hart has agreed to a price of \$35,000.00 per acre for parcel #1 and \$40,000.00 for parcel #2 and feels this is the best we can do without condemnation. After some discussion Alderman Hawkins motioned to approve the acquisitions at a price of \$222,170.00. Alderman Vaught seconded the motion. Alderman Vaught inquired as to how to prevent this from happening in the future. Mr. Hall stated we can acquire all rights of way prior to awarding the project. There was no further discussion. The motion passed 7-0.

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

**1. Ordinance appropriating revenue funds to the Conway Sanitation Department.**

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**O-11-66**

Mayor Townsell stated we will appropriate \$14,790.00 to make the needed repairs. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. 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, Alderman Vaught, Alderman Hawkins, Alderman Grimes, and Alderman Jones. The motion passed 7-0.

- C. *Public Safety Committee (Police, CEOC, Information Technology, Fire, District Court, City Attorney & Animal Welfare)***
- 1. Ordinance appropriating funding for Civil Service for expenses related to entry level firefighter testing for the Conway Fire Department.**

**O-11-67**

Lisa Mabry-Williams explained in order to get them into the fire academy in October we need to test no later than September 9<sup>th</sup>; if we wait it will be after the first of the year. Ms. Williams explained the \$5,000.00 she is requesting also includes Max Media and Power 92 radio ads. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Mehl seconded the motion. Alderman Hawkins stated earlier tonight we were given a recommendation to freeze all hiring until after reserves are established. Mayor Townsell stated that is a good point, we need to decide if want to include, in that recommendation, public safety officials. Alderwoman Mehl stated this body has not decided to implement any of those recommendations, so until we have chance to discuss the recommendations and decide collectively they are still just recommendations. Mayor Townsell stated if we hold off on this we could have to shut down apparatus or start having staff work over time; both have consequences in terms of response time, adequate staffing, etc. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderman Vaught, Alderman Hawkins, Alderman Grimes, and Alderman Jones. The motion passed 7-0.

**Old Business**

- 1. Discussion regarding the structure located at 912 Front Street.**

Lynn Hicks, Asst. Director Planning & Development, again explained the city has taken action to condemn the building which does give the Dryer's 30 days to step back in and repair the building, or demolish the building. Mr. Hicks stated the Dryer's were granted a 2 week extension to select a demolition contractor; prior to this the city had advertised for bids, based upon the structural engineers wall bracing plan; we received 3 bids ranging from \$43,000.00 - \$108,000.00. Mr. Hicks explained upon receiving these bids he forwarded them onto the Dryers who in turn contacted contractors and also Mr. Paullus. The Dryers asked Mr. Paullus if there was a more economical means of bracing the wall in order for the building to be demolished immediately. Mr. Hicks stated it's his

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understanding that Mr. Paullus had designed wall bracing for an intermediate period of time to allow for demolition or repair, but there is an alternative means if one wishes to pursue demolition immediately. Mr. Hicks explained that Mr. Paullus asked if it would be okay for him to work with the Dryers; Mr. Hicks told the Dryers that would be up to council and the Mayor. Mr. Hicks stated he believes that the Dryers have requested additional time in an effort to come up with an alternative bracing method at a lesser expense. After some discussion Mayor Townsell suggested giving the Dryers more time and re-visit this issue at the next council meeting (Sept. 2, 2011). Alderwoman Smith motioned to give the Dryers more time and re-visit the issue at the next council meeting. Alderman Jones seconded the motion. There was no further discussion. The motion passed 7-0.

**Adjournment**

**PASSED this 23<sup>rd</sup> day of August 2011**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**