
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
January 12, 2016

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, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson.

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett

Minutes: December 22, 2015 City Council Meeting

Alderwoman Smith motioned to adopt the December 22, 2015 minutes as submitted. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

Alderman Grimes motioned to move agenda Item A-11 to the beginning of the agenda. There was no discussion. The motion passed 8-0. Alderman Grimes motioned to hold this item in committee as this item will require more discussion than will be allowed due to the length of the agenda. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

1. Report of Standing Committees:

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

1. Consideration to enter into a memorandum of agreement with the FAA for the AWOS weather system located at Cantrell Field.

Josh Zylks, Airport Manager, explained this is simply the continuing maintenance of the weather system and explained in short this states we will provide access to the equipment for FAA personnel to maintain the equipment and that we will schedule any shut downs when there is a forecast for good weather. Mr. Zylks stated we are not financially obligated in anyway by approving this agreement. Alderwoman Smith motioned to enter into the agreement. Alderman Jones seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance appropriating funds received from the sale of certain inoperable equipment and scrap metal from the Street & Engineering Department.

O-16-01

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Mayor Townsell stated the first "whereas" is missing a "zero - 0" and should read "\$17,000". Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion.

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The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

3. Consideration to approve a change order (No. #1) for the Oak Street & Central Landing Blvd Project.

Finley Vinson, City Engineer, explained this change order will save the city money explaining there were drainage improvements required by the Arkansas Highway and Transportation Dept. (AHTD) at Oak Street and the west side of I-40, but AHTD did not like how it had been planned and reduced the number of street crossings to reduce the impact on Oak Street traffic. Alderwoman Smith motioned to approve this change order. Alderwoman Whitmore seconded the motion. There was no discussion. The total estimated contract amount is decreased by \$26,886.53.

4. Consideration to accept a counteroffer from the Knights of Columbus for the Central Landing Blvd Improvement Project.

Finley Vinson, City Engineer, stated the city presented an offer and the Knights of Columbus (KC) accepted the offer only for the square footage price, but they asked for an additional \$53,700.00 for landscaping and an additional \$10,044.00 for additional fencing. Mr. Vinson stated he believes this is due to the loss of trees on their eastern property. Shantelle Mears, O.R. Colan Group LLC, stated the offer by the city was for 400 ft. of fencing, KC has requested an additional 400 ft. of fencing due to the fact that the cities offer only accounted for 242 ft. of fencing and it does not protect their property along new Central Landing Blvd on the east side and they have requested the fence allowance be changed to 860 ft. Ms. Mears stated there was a change in the fencing cost per foot; we offered \$12.65 per ft. and they are requesting \$16.33 ft. Ms. Mears stated she feels our offer of \$12.65 is reasonable and KC has not provided us a fence estimate, but would like for us to obtain any backup documentation for this if possible. Ms. Mears stated the tree request is reasonable as is the cost per square foot for the right of way, which is what we have paid for right of way on this project. After some discussion Alderwoman Smith motioned to accept the counter offer. Alderman Hawkins seconded the motion. Alderman Grimes asked if we pay someone to build a fence, are they required to build a fence or can they keep the money. Chuck Clawson, City Attorney, stated if it is designated for that purpose they should have to. Ms. Mears stated we are compensating them for the fencing and we hope that they will build the fence. Mayor Townsell stated he would think they would have the option but the fact of the matter is it is going to be a major street access. There was no further discussion. The motion passed 8-0. The following is a list of items approved for this acquisition:

Right of Way - 59,254 sq. ft. @ \$3.50	\$207,389.00
Temporary Construction Easement - 8,400 sq. ft.	\$ 5,880.00
Fence - 860 ft. @ 16.33 per ft.	\$ 14,044.00
<u>Landscaping/Loss of large trees</u>	<u>\$ 53,700.00</u>
Total Compensation	\$281,013.00

5. Resolution(s) to seek condemnation by eminent domain proceeding of certain properties (Roller-McNutt Funeral Home right-of-way) related to the Central Landing Blvd right-of-way project.

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R-16-01 and R-16-02

Chuck Clawson, City Attorney, stated this can get us started but he feels positive that we can at least move in the right direction and try to acquire the property as quickly as possible however we can. Mr. Clawson stated if you look at the resolution he believes the money has already been appropriated for this particular project and this sets out specific numbers and authorizes his office to file the condemnation only for scheduling purposes. Mr. Clawson clarified there are 2 separate resolutions. Alderwoman Whitmore motioned to approve both resolutions. Alderwoman Smith seconded the motion. Mr. Clawson stated this has nothing to do with the offer, it has to do with access and the plans in general. There was no further discussion. The motion passed 8-0.

6. Consideration to approve the nomination of Rhiannon Botsford to the Conway Tree Board.

Alderman Hawkins motioned to approve the nomination. Alderwoman Smith seconded the motion. Ms. Botsford's term is a 3 year term expiring 12/31/18. There was no discussion. The motion passed 8-0.

7. Ordinance appropriating grant funds received from the EPA for the Spencer Street Brownfield Cleanup project.

O-16-02

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. The grant funds received are in the amount of \$6,216.00. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

8. Ordinance appropriating proceeds received from Faulkner County for GIS work provided by the Planning & Development Department.

O-16-03

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore 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 Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

9. Consideration to approve a conditional use permit to allow MF-1 density in an R-2A zoning district for property located at 1919 and 1921 Clifton Street.

Alderman Hawkins stated the development would be limited to a maximum of 28 units, a 6 foot privacy fence, 20 foot wide private drive with approved fire apparatus turn-around,

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setbacks as shown, and sidewalks on both sides of the street. Alderman Hawkins motioned to approve the conditional use permit request. Alderwoman Smith seconded the motion. Allen Shaver, applicant, stated this development will be a mixture of duplexes and houses and stated he has met with some of the neighbors and they supported the proposed development, they were also in attendance at the Planning Commission meeting. Mr. Shaver stated there were 3 gentlemen who also attended the Planning Commission meeting who did not speak against the development, they were wanting more information and their main concern was drainage. Mr. Shaver stated there is a storm drain on Clifton Street and the plan is to bury a pipe up three-quarters of the way and install a catch basin for all the drainage. Mr. Shaver stated he has spoken with the Street Dept. and they have told him what they will require of him. Bob Cantrell, property owner, stated he owns 2 lots that border the proposed development on the north/west sides and stated his only reservation is the drainage problem, and it is currently standing in water. Mr. Cantrell stated he has had a previous experience with the city where a subdivision was built and the drainage issue was never properly addressed; the problem is it goes to the city and the contractor and the other parties are left out. Mr. Cantrell stated he has a problem with a high density development in an area that where he does not feel it belongs and stated it will not serve Conway well. Mary Wood, 1909 Clifton, has concerns regarding what the proposed development would bring to the neighborhood and stated she has lived in many areas and she has never had a problem with crime until she moved onto Clifton Street and since then she has had 2 burglaries, both occurring during the day; the shed was burglarized while she was home. Ms. Wood stated it seems that the rise in crime in the area is connected to apartments, duplexes, and densely populated growth in those areas. Ms. Wood stated Clifton Street is also used as a cut through street and to add 28 units would double the amount of residences, which would increase traffic. Ms. Wood stated she feels if you mix a lot of multi-family homes with single family homes people will not want to buy, refurbish, and live in the existing homes in the neighborhood and suggested approving this with only single family homes. Brett Franks, 1907 Clifton, stated he has lived here for 2 years and stated Clifton Street, between Tyler and Fleming, has remained single family residential; we are bordered with multi-family and his preference is to maintain this area as R-2 single family. Mr. Franks stated he is a builder by trade and he has nothing against developing the area but to add this much density will cause a lot more run off than already exists, and explained the wastewater area is clogged up now, and it would require a lot of work to free all that up. Mr. Franks asked if council does approve this, he would prefer the density be reduced. Alderman Pruitt stated 28 units seems to be a lot for the areas size. Bryan Patrick, Planning & Development Director, stated the request is for MF-1 density which allows 12 units per acre, which is the maximum allowed and this area is over 2 acres in size. Mayor Townsell asked if we are approving the submitted plan. Mr. Patrick stated yes, if you approve the conditional use permit. Alderwoman Mehl asked how many units could be built without the conditional use permit. Mr. Patrick stated the current zoning is R2-A, and by right one could build 9-10 single family homes (if lot #1 could get a lot depth approval from the Board of Zoning Adjustment) which would be more expensive to develop. Mr. Patrick stated you could do possibly 5 duplexes or it could be rezoned to R-2 which would allow 10 duplexes (20 units). Mayor Townsell stated he does not feel this is the character of this neighborhood and does not offer anything back into the neighborhood. Alderwoman Whitmore concurred. Mr. Shaver stated this development is a chance to fix some of the drainage problems and the reason for the number of units is due to the cost of the underground utilities and the road, otherwise it would not be feasible. There was no further discussion. The motion failed 0-8.

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10. Consideration to approve a shelter for the homeless in an RMH Zone at property located at 450 E. Robins Street, #21.

Alderman Hawkins motioned to approve the conditional use permit. Alderwoman Smith seconded the motion. Alderman Grimes asked this is allowed in this zoning due to a recent change. Bryan Patrick, Planning & Development Director, stated yes. There was no further discussion. The motion passed 8-0. The condition is as follows:

- Conditional Use Permit is limited to applicant, Patricia Meeks/Last Chance Ministries”.

11. Consideration to extend the conditional use permit for MFB Investment to operate a clinical treatment center (Phoenix Recovery Center) at property located on Jersey Street.

Item moved up on the agenda and held in committee.

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

1. Consideration to enter into an amended agreement with Enable Gas Transmission LLC for pipeline right-of-way, surface site easement, and access road grant near the Conway Landfill.

Robert Young, Enable Gas Transmission, stated this is an amendment to a previously granted easement from October 2014 for a pipeline and surface site easement in the city landfill. Mr. Young stated the initial grant allowed for a surface site further north at the tie in point of an existing pipeline in the landfill, and after last spring’s floods that site became in question. Mr. Young stated the company looked at relocating that site further south toward the Union Pacific Railroad ties and this amendment would allow the swap of that site; the footprint in use of the property is not changed at all and there will be no impact to the landfill at this point. Alderman Hawkins motioned to approve the amended agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

2. Ordinance authorizing personnel changes within the Conway Parks & Recreation Department.

O-16-04

Steve Ibbotson, Parks Director, explained we are asking to reclassify 3 positions; they are as follows:

- One full time Recreation Supervisor to a full time Programs Manager
- One full time Grounds Foreman position to a full time Expo Manager
- One full time Secretary to a full time Administrative Assistant I

Mr. Ibbotson stated we are expanding the responsibilities of the Programs Recreational Supervisor as we have scheduled 2,200 games and this person will be responsible for among other things making sure that the umpires and scorekeepers are present. Mr. Ibbotson stated the Expo Manager is one of the positions that we need to hire as we finish out the

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event center. Mr. Ibbotson stated we have an open position in our department so we are going to reclassify by using some of the existing budget that we have and create an Expo Manager position, and shift some of those duties to other personnel in the department. Mr. Ibbotson stated the secretary position is being upgraded in order to bring assistance to his administrative assistant. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Mayor Townsell stated there is no change to the budget it is only a transfer of part-time salaries to full-time salaries. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

3. Ordinance appropriating funds and approving a professional service contract for Don Owen infields for the Parks & Recreation Department.

O-16-05

Steve Ibbotson, Parks Director, explained this was brought to council's attention in December 2015 as the next project to be funded with A&P funds; this request is to approve professional services for 3 artificial turf infields. The amount of this request is \$18,450.00. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

4. Ordinance appropriating funds and approving the cost of the materials for the interior finishes for the Conway Event Center.

O-16-06

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. Rik Sowell, Rik Sowell Architects, was present to answer questions. Georg Andersen, Andersen & Associates, stated even though we are asking for a lot of money tonight the good thing is you will get everything at cost, and there is no profit in this for himself. Mr. Andersen stated we have a major advantage in that we can purchase everything now and it can be stored; this will allow us to save a minimum of 5% of the budget by doing this, and the savings could go up to 8%. Mr. Andersen stated the budget for everything we would like to do is \$288,427.00 which includes all the interior furniture and finishes. Mr. Andersen stated the estimates show you will be getting as many as 560 chairs and explained Virco is giving you an additional price and an additional discount which is represented here and encouraged council to approve this request. Mr. Andersen stated Conway does not have anything that will begin to draw people to Conway and he would love for this facility to be world class and went onto describe the various esthetics of the project to council. Mayor Townsell explained this is for the interiors and we still plan to go to bid for the exteriors. There was no further discussion.

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The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 8-0.

5. Consideration to enter into a lease agreement with Arkansas Rush to operate Centennial Soccer Park.

Steve Ibbotson, Parks Director, gave a brief synopsis of the events that have led to the agreement before you tonight and explained this agreement is the same one discussed at the last meeting, with no changes. Nathan Hunt, Arkansas Rush Soccer, explained he wants to do what is best for the community and explained when he arrived here from out of state, he saw a need and a want for the city to progress in other directions. Mr. Rush stated we have good supporters and have been in Conway for a long time and plans to be here for a long time coming and would like to move forward with the proposal and do what is best for the children in this community. Mayor Townsell asked if this proposal is exclusive. Mr. Ibbotson stated all agreements that we currently have with Arkansas United, St Joseph, Central Baptist College, and the city must be honored by Arkansas Rush and that the current fee structure will stay the same unless they come before council and request an increase. Mayor Townsell stated the fee structure you have before you is with Arkansas Rush Soccer and explained this is not a bidding situation, unless we get instructions to not move forward. Alderwoman Hawkins asked Chuck Clawson City Attorney, if this was handled incorrectly. Mr. Clawson stated no. Alderman Hawkins stated as he sees it the city inquired with the interested parties who were willing to participate, and we had one group that was willing to participate and one group that was not. Mayor Townsell stated with that being said that doesn't mean that Arkansas United cannot come forward at this time. Michelle Cox, Arkansas United, explained when the proposal was presented to her she had been sick and explained a decision was wanted within 2 weeks. Ms. Cox stated she presented the proposal to the board of director's and explained they wanted to take the time to make sure they could figure out a viable means to generate revenue to support the park, and to deliver on our commitment to you, but it took us longer to get to where we are at today. Ms. Cox stated we have been in business for over 35 years, we are a 501c3, and we have had a contract with the city of Little Rock and North Little Rock for over 15 years and would be happy to provided references from either of these cities. Ms. Cox stated we just renewed our contract with the city of Little Rock through 2035, which she feels shows that we are doing a good job and hopefully this tells you the same. Ms. Cox stated we would like the opportunity to manage the park and we would like to include with management of the park to bring business into Conway, and we would propose several tournaments throughout the year that would increase the hospitality revenue in the city. Ms. Cox stated we host 4 of the largest tournaments a year in Arkansas and we are the only club who has tournaments this large, and believes we could continue this in Conway and would like to provide this to the city of Conway, and asked council to postpone your agreement with Arkansas Rush Soccer upon consideration an additional proposal from Arkansas United. Alderwoman Mehl asked if the tournaments mentioned held here now. Ms. Cox stated no, they are currently held in Little Rock at Burns Park and the reason being is that we have a commitment with them so we reciprocate by having those tournaments in Little Rock. Ms. Mehl asked if she is suggesting that new tournaments will be created. Ms. Cox stated yes, and those would be held here. Mayor Townsell asked council how they would like to proceed. Alderman Hawkins asked Mr. Ibbotson to read responses we received from United Arkansas back in November. Mr. Ibbotson read an email dated November 30, 2015

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from Ms. Cox to Derek Cox, Asst. Parks Director, that stated "I apologize as I have been out with the flu, and looking at the expenses listed, not including the cost of mowing and current numbers in Conway, our board is not ready to place a bid for complete takeover of the park. We have been evaluating ways to offset the expenses through sponsorship and tournaments, but do not feel we have enough information to place a bid without securing more information. It is something we are interested in taking on, but cannot get all of our ducks in a row at this time, with that being said we were looking at locking in a 5 year agreement, as we typically do an annual agreement with each organization." Mr. Ibbotson stated that reference was to lock in more than one year. Mr. Clawson stated the proposal from Arkansas United basically took this lease and put their name on it and this is specifically generated with our conversation with Arkansas Rush Soccer and he would not want to just substitute names as he is not sure it would come out the way we wanted it; secondly this lease agreement with Arkansas Rush incorporates those annual commitments with the other organizations, which would still allow for Arkansas United to have use of the fields. Alderman Hawkins asked if a percentage of total time can be used by a different organizations. Mr. Clawson stated basically it incorporates the previous annual agreements they have had, so there is a per player rate etc.; the agreements would be signed over to Arkansas Rush and they would honor those agreements, and stated if they wanted to change the rates they would have to come before council to do so. Alderman Jones motioned to contract with Arkansas Rush. Alderwoman Smith seconded the motion. After some discussion the motion passed 8-0.

C. New Business

1. Resolution adopting the organizational rules and procedures for the Conway City Council FY2016.

R-16-03

Mayor Townsell suggested dropping the last section that states "the disability or absence of the Mayor" as this does not discuss the rules and procedures of the city council meetings and he would like to strictly follow Arkansas state law. Alderman Hawkins motioned to adopt these rules and procedures without the last section "Absence". Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

Chuck Clawson, City Attorney, updated council on a question asked earlier in the evening regarding the negotiation of purchase prices that include improvements, fences, and trees etc: Mr. Clawson explained we do a contract for sales, it is not statutorily issue it is more of a contractual rights and he believes we can build in contractual conditions and provisions that would allow us to put time frames and possibly a reimbursement situation where we are not just handing over the funds. Alderman Grimes stated he feels this would be a good idea as there could be a situation down the road where someone is given funds for a fence we can be sure the fence is constructed.

Mayor Townsell stated we have 2 votes for a February date for our field trip and 1 vote for a January date; the date chosen in February is Presidents day and stated this day may not be the best day so we are looking at pushing that to February 22nd or 23rd.

Adjournment

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PASSED this 12th day of January 2016

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett