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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
March 8, 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, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: City Clerk Michael Garrett and City Attorney Chuck Clawson. Mayor Tab Townsell was not in attendance.

**Call to Order: Alderman Andy Hawkins**

**Roll Call: Michael O. Garrett**

**Minutes: February 23, 2016 Meeting**

Alderwoman Smith motioned to adopt the February 23, 2016 minutes as submitted. Alderwoman Mehl seconded the motion. Alderwoman Whitmore asked if this is for the revised minutes that were sent out. Council concurred. There was no further 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 terminate the helipad easement agreement with Conway Community Services.**

Alderman Hawkins stated the helipad grant Baptist Health applied for was not approved so this property will revert back to the city. Alderwoman Whitmore motioned to terminate the agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**2. Consideration to approve a counter offer on the Newberry Tract #4 property acquisition for the Central Landing Blvd. Project.**

Glendon Newberry, property owner, asked council to reconsider his last offer and stated he is asking for less per square foot than Knights of Columbus (KC) and stated they were compensated for their trees, with no strings attached. Mr. Newberry feels this is a fair offer as there will be 150 feet off, in 2 directions, where you will be unable to get on the street, and this is will be damaging to his property. Finley Vinson, City Engineer, stated item A-2 in the council packet summarizes what Mr. Newberry is requesting and stated council previously agreed to offer Mr. Newberry \$2.50 per sq. ft.; he is now asking for \$3.00 per sq. ft. Mr. Vinson stated in addition, he is questioning why he will only be paid the replacement value for the trees if he actually plants the trees, when other property owners have just been given a check. Chuck Clawson, City Attorney, stated there was mention that other property owners were paid \$3.50 per sq. ft. Mr. Vinson stated the only property that comes to mind is KC but he cannot remember; that property had not been platted and the actual deed of the property went all the way to the centerline of the road. Mr. Vinson stated our normal

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practice has been, since they legally owned the centerline of the road that we will pay for the property to the centerline of the road, which is not the case with the Newberry parcel. Mr. Vinson stated we counter-offered KC \$3.00 per sq. ft., they wanted \$3.50, so the city agreed to pay KC \$3.50 of their usable property; we decreased the square footage and increased the value and it ended up being a wash. Alderman Pruitt stated KC agreed to replace the trees and fencing. Mr. Clawson stated yes, this is an issue he and Mr. Vinson have discussed regularly, since this construction began; basically it is a negotiation issue and it is a contractual relationship we are creating, and we can negotiate the terms how we see fit and he feels this is a better practice in order to get what we pay for. Mr. Clawson stated if Mr. Newberry replaces the trees up to that dollar amount then he will be reimbursed and went onto say that he and Mr. Vinson now have a process for that and he feels it is the best way to move forward. Alderman Grimes concurred and stated if we are going to pay for things other than land i.e. replacement of a shed or trees, we need to make sure we are getting what we paid for and asked if we need to reject this and allow for more negotiations. Mr. Clawson stated based on what we have done in the past this is pretty much in line as far as the price per square foot for the property, as is the reimbursement for the fencing, and then with the condition of the trees he feels it seems to be in line with what council has done in the past with these items. Alderman Grimes asked if Mr. Clawson is okay with the \$3.00 per sq. ft. for the property. Mr. Clawson stated he is okay with \$2.50 per sq. ft. and believes that \$2.50 is over and above the appraised value and seems to be in line with what we have done previously. Alderman Grimes stated so we should reject his counter of \$3.00. Council concurred. Mr. Clawson stated it seems to be in line with what we have already done. Alderman Grimes motioned to reject Mr. Newberry's counter-offer and go with the city's original offer. Alderwoman Smith seconded the motion. Alderman Hawkins asked if that is to hold fast to our \$2.50 offer. Council concurred. Mr. Vinson stated we used 1 appraiser for acquiring properties for this project and then it was reviewed by another appraiser but in moving forward with other projects we will get 2 appraisals. Alderman Hawkins asked how important it that we move on this piece of property. Mr. Vinson stated all the construction is on the south side of 6th Street so we can wait if necessary, as it is just a question of if we are going to try come to a resolution or condemn. Mr. Clawson stated if necessary council could approve action to condemn this property and still negotiate with Mr. Newberry. Alderman Grimes stated with this or any acquisition he does not mind paying what is fair, but we need good justification for paying more than what the appraisers have told us it is worth. Mr. Clawson stated to clarify the motion and to Mr. Newberry the offer still stands even if the city rejects his counter-offer. Mr. Vinson stated he will lean on O.R. Colan Associates to determine to proceed with communication and determine whether or not the offer is accepted. There was no further discussion. The motion passed 8-0.

**3. Ordinance adopting by reference the City of Conway Airport Height and land use zoning overlay district.**

**O-16-21**

City Attorney Chuck Clawson stated this is an issue previously discussed at a special council meeting in early February and explained it has been brought to his attention that there were designations of the runways that had been changed prior to adopting the new airport overlay district. Mr. Clawson stated he feels it is appropriate that we make that change, as it is important as to how the runways are categorized and designated and stated we have also met the required notification process. Alderwoman Whitmore motioned to

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waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderman Grimes asked if there is an emergency clause. Mr. Clawson stated yes. Alderman Jones motioned to adopt the emergency clause. 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.

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

**1. Consideration to allow the Faulkner County Solid Waste Management District to construct a storage building on the grounds of the Sanitation Department.**

Jack Bell, Chief of Staff, stated this storage building would be for electronic waste as the District is going to start doing county wide electronic waste drives on a regular basis. Mr. Bell stated this would allow a place for this waste to be stored until it can be disposed of. Mr. Bell stated there will be no cost to the city. Alderwoman Smith motioned to approve the request. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**1. Ordinance to waive competitive bid process to repair the landfill compactor at the Sanitation Department.**

**O-16-22**

Joseph Hopper, Sanitation Director, explained there was a catastrophic failure on our only landfill compactor and stated we do have plans this year to purchase a new unit which will provide us to have a backup, but for now we are using a bulldozer to provide the compaction. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency. Alderwoman Whitmore seconded the motion. The ordinance will waive the bidding process to repair the BOMAG 772 landfill compactor; the repairs will be made by G.W. Van Keppel Company in the amount of \$64,035.95. Alderman Hawkins asked how much will a new compactor cost. Mr. Hopper stated we have budgeted \$750,000.00 for a medium sized unit, which is larger than what we have now. 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.

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

**1. Consideration to approve the school resource officer contract with Conway Public Schools.**

Jody Spradlin, Chief of Police, stated this is an annual agreement the city enters into with Conway Public Schools which provides a total of 8 school resource officers

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(SRO) to the Conway School District. Chief Spradlin stated this agreement actually should have been done in July of 2015 but we just realized the agreement had not been signed. Chief Spradlin stated there is an error on “#2 Consideration”; the last sentence should have the dates listed as “July 1, 2015 to June 30, 2016”. Chief Spradlin stated nothing has changed on the agreement with the exception of the date. Alderwoman Smith motioned to approve the contract. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**D. New Business**

- 1. Resolution setting a public hearing to discuss a mosquito abatement program for the City.**

**R-16-08**

Bart Castleberry, Director of Permits and Inspections, stated we began working about a month ago on the possibility of a Zika Virus outbreak in Conway and explained we have met with the City Attorney’s office regarding some of the city ordinances concerning standing water. Mr. Castleberry stated there will be a meeting with the tire shop businesses this Friday to discuss the issue of standing water in tires, which is our biggest concern. Mr. Castleberry stated some of the tire shops have already built storage facilities in order to store their tires in the dry. Mr. Castleberry stated we have 2 companies that are willing to attend the public hearing to answer questions regarding the products they will be spraying and what affects it could have. Mr. Castleberry explained the Center for Disease Control and the Arkansas Municipal League have asked cities to be proactive, and asked council to adopt the resolution setting the public hearing for Tuesday March 22, 2016 at 6:30 pm. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. There was discussion among council regarding this public hearing being held during the week of spring break. Alderman Hawkins stated we can let the Mayor’s office determine a change if necessary but the tentative date is already set for March 22, 2016. Alderwoman Mehl stated maybe this public hearing should be set for the first meeting in April 2016. Mr. Castleberry stated that would be fine with him. Alderman Hawkins recommended April 12, 2016. Council concurred and the public hearing is now set for Tuesday April 12, 2016 at 6:30 pm. There was no further discussion. The motion passed 8-0.

**Adjournment**

**PASSED this 8th day of March 2016**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**