
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
April 25th, 2006

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 Bell, Alderman Jones, Alderwoman Smith, Alderman Brewer, Alderman Grimes, Alderwoman Whitmore and Alderman Weeks. Also, present and acting: Mayor Tab Townsell, City Attorney Michael Murphy and City Clerk Michael Garrett. Alderwoman Whitmore stated that items B2 and B4 from the April 11, 2006 minutes should be corrected. B2 - The spelling of Bruce Hendrix should be changed to Bruce Hendricks. B4 – Add the date of public hearing which is April 25, 2006. Alderman Bell motioned to approve the April 11th minutes. Alderwoman Smith seconded the motion. The motion passed unanimously 8-0.

Recognition of Guests

Public Hearings:

- A.** Public hearing to discuss the abandonment of a railway right of way in the original Conway Industrial Park as requested by Conway Development Corporation.

Mayor Townsell opened the public hearing. Bill Adkisson, speaking on behalf of the Conway Development Corporation was present and spoke in favor of the abandonment. Mayor Townsell closed the public hearing.

1. Ordinance abandoning the right of way in the original Conway Industrial Park.

O-06-43

Alderman Bell 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 and the emergency clause. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

- B.** Public hearing to discuss the closing of a street located in the CC Boens Sub. #2 as requested by Conway Public Schools.

Mayor Townsell opened the public hearing. Bobby French was present and spoke in favor of the street closing. Mayor Townsell closed the public hearing.

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1. Ordinance closing a street in the CC Boens Sub. # 2 as requested by Conway Public Schools.

O-06-44

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance and 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, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, CDC)

1. Consideration of the nomination of Randy Crowell to the Conway Corporation Board.

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

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

1. Consideration of an impact fee credit for Conway Public School for the extension of College Ave to Ruth Doyle Intermediate Schools.

Alderman Grimes asked how we arrived at the figure of \$100,000. Ronnie Hall, City Engineer, stated that this amount was agreed upon by the school and the city. Mayor Townsell stated that this is the type of project we had in mind when we give an impact fee credit. This is something that the school has already spent to the betterment of the traffic system. Alderman Hawkins motioned to grant the impact fee credit. Alderman Bell seconded the motion. There was no further discussion. The motion passed 8-0.

2. Ordinance clarifying recent amendments to the “2 hour parking” in regards to the penalty for each offense.

O-06-45

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Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. Alderman Smith motioned to adopt the ordinance and the emergency clause. Alderman Whitmore seconded the motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderman Smith, and Alderman Whitmore. The motion passed 8-0.

3. Consideration of a sign variance for Harrison & Willow Street Church of Christ at property located at 1120 Harrison Street.

Robert Bland was present to answer questions. Alderman Grimes asked if the legs of the sign could be cut off. Mr. Bland said yes, but it would void the warranty on the sign. Alderman Brewer motioned to grant the variance as requested. Alderman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

4. Consideration of a roadway and utility easement for Fred Langford on property located near the airport.

Ronnie Hall, City Engineer, was present to answer questions. Alderman Smith motioned to grant the easement. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

5. Ordinance to rezone property identified as Lots 14 & 15 Cimmaron Park and part of Lot 1 and part of Lot 10 Cimmaron Park from A-1 to C-3.

O-06-46

Velton Daves, Chairman, Planning Commission, was present to answer questions. Alderman Brewer motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 8-0. Alderman Brewer motioned to adopt the ordinance. Alderman Grimes seconded the motion. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderman Smith, and Alderman Whitmore. The motion passed 8-0.

6. Ordinance to rezone property located on the east side of Augusta Avenue about 282 feet south of the intersection of Augusta Ave and College Ave from R-2A to MF-3.

O-06-47

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Alderman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderman Smith, and Alderman Whitmore. The motion passed 8-0.

7. Consideration of a conditional use permit for retail restricted for the property located 1225 Bridgestone Drive and #1200 & #1250 Amity Road.

Don Potter was present and stated that his client doesn't object to any of the conditions but would like a trade off. Condition # 1 is to improve Bridgestone Drive. Mr. Potter stated that there is 600 ft of street and that will cost \$3,000 for asphalt and class seven (7) aggregate. Mr. Potter went on to say that there are two (2) unusual drainage structures that run into the open ditch, and to extend these two (2) structures the full length of the property would take almost 1100 ft of pipe at about \$75 a foot. Mr. Potter stated that his client would like to see if there could be an impact fee credit on improving Bridgestone Drive. Mr. Potter also his client would like to revise condition # 6 which states "wall signage is limited to 5%". The client would like the Council to consider 10% wall signage instead of 5%. Mayor Townsell asked Ronnie Hall, City Engineer, if Bridgestone Drive is a collector street. Mr. Hall stated he doesn't believe it is, it is a residential street. The Mayor stated that the council can consider the wall signage only. Alderman Brewer motioned to grant the conditional use with item six (6) stating 10% instead of 5%. Alderman Hawkins seconded the motion. There was no further discussion. The motion passed 8-0.

8. Consideration for the City to enter into an agreement with Southwestern Bell for easement work for the extension of Siebenmorgan Road to E. German Lane.

Ronnie Hall, City Engineer, was present and stated that Southwestern Bell (SBC) located one of their cabinets in the center of a master street plan road as well as in the right-of-way of E German Lane. SBC did purchase an easement from the property owner at that time. The City's options are to leave the facility where it is, and fork the road around it, or move the facility at the cost of \$48,131.45. Alderman Smith motioned to enter into the agreement. Alderman Jones seconded the motion. There was no further discussion. The motion passed 7-1. Alderman Weeks voted in opposition.

9. Ordinance annexing certain land the bulk of which are located southwest of Lock and Dam with the remainder running along Highway 60 to the East of Lollie Road.

O-06-48

Alderman Hawkins motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance. Alderman Grimes seconded the motion. There was no

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discussion. The Clerk called the roll with the following voting “Aye”: Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

Alderman Hawkins motioned to suspend the rules. Alderman Bell seconded the motion. Ronnie Hall, City Engineer, stated that Jerrell Spradlin has been working with the City for over a year on annexing his property and he was concerned as Siebenmorgan Road requires an 80 ft right-of-way where it would typically require 40 ft for Mr. Spradlin’s property. Mr. Hall went on to say that the City thought because of the existing structures and what we plan to build now that we can get by with 20 ft and not require the 40 ft upon dedication if that would suit the council. Mr. Spradlin has provided the 20 ft of dedication of right-of-way for the improvement of Siebenmorgan Rd. Mayor Townsell stated he appreciates Mr. Spradlin’s cooperation.

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

1. Consideration of accepting bid from Snap-On Tools for a Modis 6 Scanner for the Sanitation Department.

Cheryl Harrington, Sanitation Director, was present to answer questions. Alderman Hawkins motioned to accept the bid. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

2. Resolution for a permanent land use restriction to be placed on the Class 4 Landfill at the City of Conway.

R-06-10

Cheryl Harrington, Sanitation Director, was present to answer questions. Alderman Bell motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Public Safety Committee (Police, Fire, Dist. Court & City Att., & Animal Control)

1. Ordinance authorizing the City to enter into an interlocal contract for cooperative purchasing for the purpose of purchasing a fire truck.

O-06-49

Bart Castleberry, Fire Chief, was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed. Alderman Brewer 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,

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Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

Old Business

- A. Ordinance repealing the City of Conway Uniformed Employee's Code (Ordinance O-01-13) and all related codes, ordinances, resolutions, rules and regulations.

(Second reading)

Mayor Townsell read ordinance O-06-42 in its entirety.

New Business

- A. Ordinance authorizing the use of the franchise fee proceeds to be utilized for economic and industrial development.

O-06-50

Mayor Townsell stated that this is taking 40% of the 2.5% franchise fee that the City charges on the gross retail electric sales of Conway Corporation and set it aside for economic development specifically improvements to public streets/roadways, public utility extension and other public facilities and services to help develop sites suitable for industry. Alderman Bell motioned to waive the reading of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Bell seconded the motion. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

- B. Ordinance naming five (5) citizens as a Board of Civil Service for the fire and police departments of the City of Conway.

O-06-51

Mayor Townsell stated that the City received 16 nominations and that each Ward would get to choose one individual and the Mayor would choose one (1) individual. Alderman Grimes stated that Ward 1 selected Cornell Maltbia. Alderwoman Smith stated that Ward 3 selected Jerry Glover. Alderwoman Whitmore stated that Ward 4 selected Debra Wilson. The Mayor selected Fritz Vammen. Ward 2 selected Jack Ballard. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Jones

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seconded the motion. Alderman Hawkins asked if we have decided which of these members link to terms. Michael Murphy, City Attorney, stated that he terms of the civil service commission are regulated by state law. The Mayor stated that the 5 (five) positions will have to be filled in the following succession: 2 year term, 4 year term, 6 year term, 8 year term and a 10 year term, but when those terms come up for renewal the renewing person only serves a 6 year term, so after 10 years everyone will have a 6 year term. There was no further discussion. The Clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Weeks, Alderman Jones, Alderman Bell, Alderman Brewer, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 8-0.

C. Discussion of possible locations for the new City of Conway police facility.

The Mayor stated he is submitting to the Council a suggestion that the City purchase for a combined appraised value of \$432,500 properties located at 1117 Prairie Street (Conway Cast Stone), 628 Front Street (A-1 Auto), 618 Front Street (Ed's Supply), and 1110 Deer Street (Woodard Office Machines) to build the new police station on. The Mayor went onto say that the City wishes to reserve the right to possibly buy the properties where Pearce Heating & Air, McCoy Eye Clinic, and Gresham's Grocery currently reside, if we find out in the planning stage, that more land is necessary. Alderman Bell motioned to allow the Mayor to move forward with the purchase of the land. Alderman Grimes seconded the motion. Mayor Townsell stated that there are four (4) leases involved in this deal and that these leases are month to month except Ed's Supply, they have a lease until February 2009. The City will have to buy that lease out. There are different methodologies of doing this, but for the time being we won't be in a position to move due to the fact that the design phase can't begin until the sale of the property closes. The design phase will take 8-10 months. Alderman Brewer asked if we would want the sellers to bear the expense of buying out of the lease of Ed's Supply. Alderman Brewer stated he would like to see the Hiegel heirs tend to this issue before the City becomes the owners. Alderman Hawkins stated he would like the City to take control of the leases and deal with the tenants in an equitable fashion. The Mayor stated that in the months that the City is the landowner all those leases apply to us, so we would be getting \$2,000 a month from Ed's Supply so that money could go to offset any eventual move or buy out of the rest of the lease. Alderman Brewer asked if we could escrow that money specifically for the purpose of the lease buy out. The Mayor state he saw no problem with that. There was no further discussion. The motion passed 8-0.

The Mayor stated that Major Mark Elsinger has been in charge of the committee of the Police Dept. that has reviewed and gone through the RFP and RFQ process with police architects. This committee has listed their top 3 architects for their requirements. The City negotiates with the top one, if an agreement cannot be met, they are thrown out not to be retrieved again, then we move to the second choice. The committee has selected as their top choice, with the Mayors agreement, Wilson, Estes Police

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Architects of Mission, Kansas, Architects Design Group, Inc of Winter Park, Florida as their second choice and, ASAI Architecture of Kansas City, Missouri as their third choice.

The Mayor stated that the Fire Dept. has also bid through their process. Mark Ledbetter, Assistant Chief, Mark Ledbetter is chairing this committee. This committee has selected Wittenburg, Delony, and Davidson Architects of Little Rock, Arkansas, as their top choice, Hagerman New Urbanism Architects of Springfield, Missouri as their second choice, and Polk, Stanley, Rowland, Curzon, and Porter Architects of Little Rock, Arkansas as their third choice. The Mayor stated that we will now proceed and have each first choice firm submit their scope of work and pricing to start the negotiations.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 25th day of April 2006

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett