
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
September 15, 2009

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, Alderman Grimes, Alderwoman Whitmore, Alderwoman Mehl, Alderman Vaught, Alderman Jones, and Alderman Rhodes. Also, present and acting: Mayor Tab Townsell, Karen Francis, and Deputy City Attorney Kurt Meredith. City Attorney Michael Murphy and City Clerk Michael Garrett were not in attendance.

1. **Call to Order**
2. **Roll Call**
3. **Minutes:** September 1st & September 3rd, 2009

Alderwoman Whitmore motioned to approve the Sept 1, 2009 and the Sept 3, 2009 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. **Recognition of Guests:**
5. **Public Hearings:**
6. **Report of Standing Committees:**

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

1. **Consideration of the nomination of Jeremy Gardner for the A&P Commission.**

Mayor Townsell explained Jeremy Gardner, T.G.I. Fridays, will be filling the vacancy of Dale Bruins; this is a 4 year term which just started in May 2009. Alderman Hawkins motioned to approve this nomination. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

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

Ottie Cowgill, Code Enforcement Officer, explained the owners of 1618 Clifton were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on July 22, 2009 at a cost of \$116.77 plus 10% collection penalty. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-09-49

Grant Tomlin, Code Enforcement Officer, stated the owners of 1105 Bob Courtway Drive were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on July 27, 2009 at a cost of \$246.42 plus 10% collection penalty. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

R-09-50

Grant Tomlin, Code Enforcement Officer, stated the owners of Parcel # 710-04605-000/Mildred Street were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on July 28, 2009 at a cost of \$153.36 plus 10% collection penalty. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

R-09-51

Grant Tomlin, Code Enforcement Officer, stated the owners of 44 Frances Drive were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on July 27, 2009 at a cost of \$153.36 plus 10% collection penalty. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

3. Discussion/Update on the structure located at 912 Front Street.

Laura Dryer, property owner, representing the Dryer family, was present to answer questions. Kim Williams, Conway Downtown Partnership,

explained a final evaluation of the Dryer building will be completed tomorrow by Riddick Engineering. It was determined after the preliminary report that a follow up was needed and once these are in we will know what direction we need to proceed and will update council at that time. Mayor Townsell stated he is satisfied that the Dryer family is working to address the situation and he is willing to continue to hold this in committee. Alderman Jones motioned to hold this item in committee. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

4. Discussion of options for the sidewalk in lieu funds.

Ronnie Hall, City Engineer, explained there have been several requests over the past year for sidewalks in the vicinity of schools to improve the ability for children to walk to school; the current available balance in the in-lieu-of sidewalk fund is \$64,000. Mr. Hall stated his memo outlines 4 areas of need which are listed below:

- College Ave. (south side) adjacent to Fieldstone Subdivision. Curb & gutter to existing pavement and construct sidewalk. 600 ft of sidewalk at an estimated cost of \$26,850.00.
- Favre Lane (south side) from Ellen Smith School to Gardenia St. 3,200 ft of sidewalk at an estimated cost of \$70,000.
- South Boulevard (south side) along Sallie Cone School. From Center St. to parking lot at northwest corner of campus. 350 ft of sidewalk at an estimated cost of \$8,000.00.
- Along Padgett and Tyler from Woodrow Cummins School to end of existing sidewalk on Tyler. 1,900 ft of sidewalk at an estimated cost of \$45,000. (May not have the right of way & walk would cost more if made to fit future completed street).

Mr. Hall stated the sidewalks leading to Woodrow Cummins School would be a challenge to make that look good because it is an open ditch type road, and explained we would need to get the work under contract soon to avoid the rainy season. Alderwoman Smith stated she has been contacted about the Fieldstone and Sallie Cone areas and the Fieldstone area residents were under the impression that these sidewalks were going to be built soon after the subdivision was completed. Mr. Hall stated that was a forfeit from the Fieldstone developer; the developer was supposed to build the sidewalks but did not due to the fact that and he forfeited his bond. Mayor Townsell explained that on Favre Lane we would not even

have to build the entire 3,200 ft, we could build to one of the stub streets. Mr. Hall stated we could build to Ivy which is probably one third of the distance which would be one third the cost. Alderman Grimes stated if we do College and South Boulevard we could spend the remaining amount on Favre Lane. Alderman Jones stated we should complete the sidewalks suggested by Alderwoman Smith and Mayor Townsell. Alderwoman Smith motioned to construct sidewalks on College Ave., South Boulevard, and on Favre Lane to the first complete section we can get to. Alderwoman Whitmore seconded the motion. Alderman Rhodes asked if it is common for a builder to forfeit their bond. Mr. Hall stated in this instance it was a matter of economics due to the fact that in this instance one would have to build curb and gutter first in order to build the sidewalks, which would be twice as much to build as just a normal sidewalk. There was no further discussion. The motion passed 8-0.

5. Discussion of right of way acquisition for S. Donaghey for the Dave Ward Drive & Donaghey Project.

Mayor Townsell explained this is the first issue of this nature since we passed the complete streets ordinance which states we will provide for not only the cars but also sidewalks. Ronnie Hall, City Engineer, stated 3 property owners on the west side of S Donaghey between the Dave Ward Drive and Moix Boulevard have not provided us the right of way we need to build the sidewalk so we will need to determine if we defer it, condemn it, purchase it, or wait to see what happens. Alderwoman Smith asked why they are not willing to give the right of way. Mr. Hall stated all the other rights of way, on west side of S Donaghey, were obtained through the platting process; the property was developed so they platted the right of way and actually built the sidewalk some of which we can retain. Alderman Grimes asked if these are part of what is going to be built on. Mr. Hall stated he does not know, it is part of what was rezoned for the multi-family project, he is not aware of that projects status. Alderman Hawkins asked if they are rejecting doing this. Mr. Hall stated he turned these over to Gene Salter to obtain the rights of way and have only received one. Alderman Hawkins stated you think these people would want this to happen as they have been trying to sell this property for a number of years. Mayor Townsell asked Gene Salter if his loan has closed. Mr. Salter stated no. Mayor Townsell explained it is technically not Mr. Salter's issue at this time. Mr. Hall stated he knows the McChristian family is not willing to dedicate the right of way and asked Mr. Salter if the other two property owners are willing to dedicate the right of way. Mr. Salter stated 2 parcels of this property is part of what is

inclusive and he is trying to obtain it; when this went through we could not rezone without the street, now the property owners are not willing to dedicate the 10 ft of right of way and he feels it all boils down to money and knowing this he has just let this sit and told Mr. Hall to use whatever avenues he can to make this work. If the city can put it in without it then that is his suggestion, if we have enough street right of way to put the curbs through and not put the sidewalks through there, and my project goes through, he will do the sidewalks. Mr. Salter went onto to say that right now it is just a matter of whether he is going to pay for the land or is the city; he cannot commit to pay for it until his loan is approved and this project needs to move forward and whether he ends up with this property or not. Alderman Vaught asked Mr. Salter if his project requires him to own all this property. Mr. Salter stated he will own the property if his project goes through, except for the McChristian property. Mr. Hall stated we will build the east half improvements first and it may be into next year before the west side is even started so this issue could be resolved by then. Alderman Hawkins suggested working on the east side first. Alderman Jones stated we should make sure these issues are handled up front to avoid this type of situation as we discussed the importance of having sidewalks in this area. Alderwoman Smith stated these 2 parcels are owned by someone we had worked with in the past. Mr. Hall stated the road can be built, it is the sidewalk that is the issue. Mayor Townsell stated the sidewalks are still important enough so to condemn it at some point and suggested building the east side of the street and then when we need to build the west side of the street, hopefully Mr. Salter's loan will be approved and we can work with him on obtaining the right of way needed via the platting process. Mr. Hall asked if we want to build a 5 ft wide sidewalk or do we build a 10 ft wide bike friendly pathway. Mayor Townsell since we are going to do a bike trail south of Dave Ward we eventually extend it all the way north to at least the new business building. Mr. Hall stated we can go 10 ft wide as far north as the bank, then we will have to scale back to 5 ft. Alderwoman Smith motioned to defer the sidewalk construction and to construct a 10 ft wide concrete pathway. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 8-0.

7. Old Business

8. New Business

Adjournment

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PASSED this 15th day of September 2009

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett