
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
February 15, 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, Alderwoman Whitmore, 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.

Call to Order

Roll Call

Minutes: January 25th, 2011

Alderwoman Whitmore motioned to approve the January 25, 2011 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

Announcements / Proclamations / Recognition:

1. *Report of Standing Committees:*

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

1. **Resolution of support for Arkansas House Bill (HB 1118) that would establish an investment tax credit for the rehabilitation and development of a Central Business Improvement District.**

R-11-05

Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. David Crow stated this type of bill could help some businesses, but ultimately hurt others. There was some discussion among council regarding the benefits this type of bill could bring to the Conway area. There was no further discussion. The motion passed 7-0-1. Alderman Vaught voted present.

2. **Ordinance abandoning certain alley and street rights of way in the Pine Street Neighborhood.**

O-11-11

Bryan Patrick, Planning & Development Director, stated we have decided against closing Walnut St and after further investigation of the triangular end section of Sutton St, it was determined that the Highway Dept will close that section and build a sidewalk. Mr. Patrick stated explained the areas of closures being requested which are listed below. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins,

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Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

3. Resolution to approve the concept plan for the Prince Street Improvements.

R-11-06

Ben Watkins, Conway resident, stated he feels the cost of this project is a huge expenditure and a 100% overbuild of roadway when the "bottleneck" rush hour is only 3-4 hours; If you build Prince St as designed with median and 4 lanes and questioned if the city has the money to maintain the road as designed and know it would be tax dollars any way you look at it. Mr. Watkins stated he believes the concept plan before council tonight is the wrong plan and urged council to direct the engineering team to come forth with options, one that would improve traffic flow and would be less expensive to build and maintain. City Engineer Ronnie Hall and Traffic Engineer Finley Vinson were present to answer questions. After some discussion Alderman Hawkins motioned to approve the resolution with a roundabout being built at Morningside. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

4. Ordinance to rezone property located at 3915 Prince St and 1125 Country Club Road from A-1 to PUD.

O-11-12

John Pennington, representing PH, LLC, explained the sequence of events that has lead to this PUD request. Mr. Pennington stated that the original PUD submission, Option 1, shows 24 units of single family residential patio homes, the homes have a 10 ft setback from Applewood Cove and the quiet office has a 6 ft setback from Applewood Cove. This has an internal street of 20 ft which allows all driveways to flow onto the internal street before they access Country Club; the curb cuts are minimized to 2 onto Country Club and 1 onto Prince St and stated this plan met every concern that council had from the R-1 prospective; however this met opposition. Mr. Pennington stated after this option was presented to the Planning Commission a neighborhood meeting was held and Mr. Pennington was asked by opposing residents to bring forth options which are shown on pages 7 & 9 of the booklet presented to council. Mr. Pennington stated that Option 2 (pg 7-8) setbacks were increased from 10 ft to 20 ft on the patio homes and the setback on the quiet office was increased from 6 ft to 14 ft. Mr. Pennington stated Option 3 (pg 9-10) eliminates the quiet office and is 35 units of residential both attached (30 units) and detached (5 units); the building setbacks for all new units would be 40 ft from Applewood Cove and is their least desirable option but did satisfy some of the most vocal opposition. Mr. Pennington stated Option 4 (pg 11-15) split the parcel two ways from 3.94 acres down to 2.59 acres, includes the quiet office but has 7 lots instead of the original 24 on the original submission. It has 4 curb cuts and the out parcel would be rezoned to R-1 at a later date; since they conform to R-1 it is the exact same lot you would find in Applewood Cove with the exact same setbacks which are 25 ft. Mr. Pennington stated the opposition focused solely on the issue of the quiet office at this point and dropped their attention to the density, apparently that satisfied their concerns and pointed out that Conway encourages mixed development and feels that Option 4 addresses the concerns of the opposition with respect to density, setbacks, traffic, and safety as well as making it

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economically feasible and is most consistent with the area. Mayor Townsell stated that all 4 options can be considered tonight and opened the floor up to public comment. Alderman Hawkins asked if Option 4 include the entire the entire piece of property from Prince St north. Mr. Pennington stated it can but the way the Planning Commission looked at it, it would still be split to get underneath the 20 percent green space rule, but we would agree to allow all of it to be PUD as long as council can grant a variance on the green space. Leigh Lassiter, 1010 Applewood Dr, stated she is speaking on behalf of most of the residents of Applewood Cove. Ms. Lassiter stated that the homeowners of Applewood Cove are not in favor of any development that includes commercial property or quiet office on the corner of Prince St and Country Club and asked council to consider this PUD without the commercial unit. Alderman Hawkins clarified that this is not a commercial request, this is an office request. Donnie Bradley, Applewood Cove resident, stated he is in favor of the PUD, of course would prefer residential, but dislikes the office component due to the lack of setback from the adjoining neighborhood. Rhonda Ellis, Applewood Cove resident concurred with Mr. Bradley. Stoney Wagon, 1040 Applewood Dr, asked with the impending improvements to Prince St is the Prince St curb cut safe. Mayor Townsell stated the improvements will stop just east of this property. Mr. Patrick stated the curb cut misses the development review standards by 25 ft. Mayor Townsell stated we would prefer to miss the standard and keep it as far from the homes in Applewood Cove as possible. Mollie Steely, Sherman Oaks resident, stated Option 4 is the best option to choose from. Lee Lawrence, Jefferson Place resident, stated he has never objected to the homes being built on this property but to the "numerous" homes Mr. Pennington has wanted to build as it is not consistent with the neighborhood nor does his plan now and does not want any type of business located at on this property. Birdie Doyle, Jefferson Place resident, spoke in opposition of the proposed PUD development. Dick Longing, Jefferson Place resident, spoke in opposition of anything that is commercial/quiet office on this property. After some discussion among council and Mr. Pennington Alderman Vaught motioned to approve Option 4 with conditions outlined below. After some discussion in regards to the conditions Alderwoman Whitmore seconded the motion. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 8-0. There was no further discussion. The clerk called the roll for the main motion on the floor with the following voting "Aye": Alderman Hawkins, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Vaught. The motion passed 5-4 with Mayor Townsell casting the tie breaking vote. Alderman Jones, Alderman Grimes, Alderman Rhodes, and Alderwoman Smith voted in opposition.

- 20 foot rear setback required on the office building.
- The office building will be limited to those land uses allowed by right in the O-3 zoning district.
- Office building hours of operation will be Monday - Friday 8 am to 6 pm.
- Prince Street curb cut is to be right in, right out only.
- Lighting shall be non intrusive to Applewood Cove Subdivision.
- Office building exterior materials shall be residential in nature and compatible with the surrounding neighborhoods.
- Office building shall have a 6-12 roof pitch; maximum 10-12 pitch.

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- Before the office building may be constructed, the owner must have a binding legal lease agreement.
- An 8 foot wood privacy fence between the PUD development and Applewood Cove Subdivision is required if no fence is present.
- Additional evergreen landscaping above development review standards is required within the 20 foot buffer area between the office building and Applewood Cove Subdivision.
- Office building roof vents shall be painted.
- Sound attenuating screening shall be used if ground mounted HVAC units are placed in the 20 foot buffer area between the office building and Applewood Cove Subdivision.
- No structures permanent or temporary may be placed in the 20 foot buffer area between the office building and Applewood Cove Subdivision.
- Hours of construction for the exterior development shall be 7 am to 7 pm.
- No signage is allowed on Prince Street other than signage allowed on the dumpster enclosure located at the Southeast corner of the property.
- The requirement for a minimum of 20% green space for a PUD development of 3 or more acres is waived.

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

- 1. Ordinance accepting donation and appropriating funds for the Conway Parks Department.**

O-11-13

Mayor Townsell stated this donation is to purchase a floor scrubber for the Conway Expo Center. Steve Ibbotson, Parks Director, was present to answer questions. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Vaught seconded the motion. The motion passed 7-0. Alderwoman Smith was not present for the vote. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderwoman Whitmore asked who the other donor is. Mayor Townsell stated there is not one; the savings involved is from their capital budget. Mr. Ibbotson explained the equipment cost in question. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

Old Business

New Business

- 1. Ordinance to approve a donation from the City of Conway to Conway Corporation.**

O-11-14

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Mayor Townsell explained we have recently moved into the newly remodeled Station 6 located at 1835 S Donaghey and no longer have a need for the old Station 6 building which is located on Conway Corporation property and Mayor Townsell recommended transferring ownership of this old fire station building to Conway Corp. 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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Hawkins, Alderwoman Mehl, Alderwoman Smith, Alderwoman Whitmore, Alderman Grimes, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

2. Resolution designating the bond counsel and underwriters for the proposed extension of payment for a Sales Tax Bond Election.

R-11-07

Mayor Townsell stated this resolution designates Kutak Rock as bond counsel in connection with the pursuit issuance, and sale of bonds which is the re-dedication of the one-quarter cent (1/4) 2006 sales tax for bond debt service; this will be split into 2 one-eighths (1/8). Stephens Inc. and Cruise and Associates Inc. will be designated as underwriters and will sell the bonds in equal proportions between the 2 firms. They will work together on a bond purchase agreement, Stephens will be the managing underwriter but both firms will be entitled to share the associated management fee. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

Alderman Grimes motioned to suspend the rules to add an item to the agenda. Alderman Hawkins seconded the motion. The motion passed 8-0.

Resolution establishing the Conway Citizen Taskforce (CCT).

R-11-08

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The taskforce members are as follows:

Lowell McClanahan, CFO, City of Conway - Chairperson
Bob Bell, Small Business, Civil Service
David Crow, Retired HR, Energy
Joel Hawkins, Accountant
Brad Hegeman, Construction, Accounting
Linda Linn, Small Business, Auto Salvage
Gene Salter, Small Business, Construction
Greg Sanson, Banking, Manufacturing
Bruce Sossamon, Retired CFO, Manufacturing
Danny Thomas, Small Business, Insurance
Nancy Turner, Departmental CFO, State of Arkansas

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Jack Bell, Mayor's Office, Ex-Officio
Jamie Gates, CDC, Ex-Officio

Adjournment

PASSED this 15th day of February 2011

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett