
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
December 9, 2014

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 Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, Deputy City Attorney Graham Jones, and City Clerk Michael Garrett. City Attorney Chuck Clawson and Alderman Pruitt were not in attendance.

Call to Order: Mayor Tab Townsell
Roll Call: City Clerk/Michael O. Garrett

Minutes Approval: November 25, 2014

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Mayor Townsell explained the city attorney's office has requested to hold item 1 C-3 in committee in order to tweak the proposed wrecker franchise ordinance. Alderwoman Smith motioned to hold this item in committee until the next scheduled council meeting. Alderwoman Mehl seconded it. There was no discussion. The motion passed 7-0.

1. Report of Standing Committees:

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

1. Resolutions requesting the Faulkner County Tax Collector place a certified lien on certain properties as a result of incurred expenses by the City.

R-14-48

Alderman Hawkins stated the property address is 516 First Ave; the cost of cleanup was \$227.42 (\$179.47 + Penalty \$17.95+ filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

R-14-49

Alderman Hawkins stated the property address is 2522 Robinson Ave.; the cost of cleanup was \$227.42 (\$179.47 + Penalty \$17.95+ filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

R-14-50

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Alderman Hawkins stated the property address is 1918 Erbach; the cost of cleanup was \$775.80 (\$678.00 + Penalty \$77.58 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

2. Consideration to approve nominations for the Planning Commission, Historic District, Oak Grove Cemetery, Advertising and Promotion Commission & the Airport Advisory Committee.

Alderwoman Whitmore motioned to approve the nominations for all boards that have been submitted. Alderwoman Smith seconded the motion. Alderwoman Mehl asked Planning Director Bryan Patrick if board members for the Historic District are required to live within the historic district. Mr. Patrick stated 3 of the members do. There was no further discussion. The motion passed 7-0. The board/commission members approved are as follows:

Planning Commission:

Bryan Quinn - 5 year term

Justin Brown - 5 year term

Historic District Commission:

Scott Zielstra - 2 year term

Taylor Martin - 2 year term

Betty Pickett - 2 year term

Oak Grove Cemetery:

Brenda Collier - 5 year term

A&P Commission:

Danny Patel - Term expires May 2015

Airport Advisory Committee:

Kevin Wish - 3 year term

Harrell Clendenin - 3 year term

3. Ordinance creating the Robinson Cemetery Board for the City of Conway.

O-14-106

Alderman Hawkins stated in addition to the 6 nominations submitted for this board, he would also like to nominate Linda Paxton. Mayor Townsell stated this ordinance would allow us to create the board and select board members. Mayor Townsell explained that the Robinson Cemetery Board has always been a volunteer organization, the gentleman who was the head of the organization is now deceased and his son has taken over his duties. Mayor Townsell further explained that the community, who has an interest in the Robinson Cemetery, deemed that it would be suitable to name a public board since the cemetery is a recipient of public money, and would allow for more structure and oversight. Alderwoman Whitmore motioned to waive the readings. Alderman Grimes seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. Alderman Jones asked when this will take effect. Mayor Townsell replied, it will take effect

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when the ordinance goes into effect. Alderman Jones asked if an emergency clause is needed. Mayor Townsell stated no, the board will be official before they take any actions. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

4. Consideration to approve the nominations for the newly created Robinson Cemetery Board.

Alderman Hawkins stated in addition to the 6 nominations submitted for this board, the Mayor would also like to nominate Linda Paxton. Alderman Hawkins stated there will be staggered 5 year terms, determined by a drawing of names. Alderwoman Smith motioned to accept the nominations. Alderwoman Whitmore seconded the motion. Alderman Ledbetter asked if you have to be a citizen of the city to be a member of the board. Mayor Townsell stated yes this is how our ordinance reads. Alderwoman Whitmore stated there is one nominee that does not live in the city. Mayor Townsell asked which one. Alderwoman Whitmore stated Kerry Allen. Mayor Townsell stated we will need to hold on appointing Mr. Allen. Alderwoman Smith and Alderwoman Whitmore concurred. There was no further discussion. The motion passed 7-0. The board members appointed are as follows:

- Linda Paxton
- Rev. Andrew Ballenton
- Ernstine Acklin
- Donna Boxley
- Leona Walton
- Ann Mattison

5. Ordinance approving the allocation of match funds for the Conway Scrap Metal Yard EPA Brownfield cleanup grant.

O-14-107

Scott Grummer, CBDG, stated we have completed the process of the land acquisition in July of 2013, and have been working on the cleaning up the site. Mr. Grummer went on to say the grant is due December 19, 2014; the grant is for \$200,000 and the city's match is \$40,000, for a total of \$240,000. Mayor Townsell explained the redevelopment of downtown, and the Markham Street corridor, is a priority to the city and believes that all costs associated with this project, should be divided among the Street Fund, General Fund, with the possibility of a park component. Mayor Townsell went on to say the project will help keep the streets from flooding and will also serve general purposes. Mr. Grummer explained if we don't receive the grant, we will have to wait a year; if the grant is obtained, then we should receive funding by the end of summer/early fall 2015, with clean-up starting fall 2015. Mayor Townsell explained the project is gaining attention from the Federal Environmental Protection Agency (EPA) in our efforts to attempt to clean-up the environment. There's a high likelihood the project would not move as fast as we would like, but it will be steadily moving forward. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Alderman Ledbetter asked if an emergency clause

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is needed, Mr. Grummer stated yes. Mayor Townsell stated we will add the emergency clause to the ordinance. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

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

1. Ordinance accepting the donation of land for the Parks Department.

O-14-108

Mayor Townsell explained this ordinance would accept donated land for the parks department consisting of 1.99 acres, which is located on what is known as Civil Defense Hill. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Mayor Townsell explained for full disclosure, I would like to donate this land to the city that I bought from the Speaker family in 1987, originally wanting to build a house on the land. Mayor Townsell further explained the land would not percolate (perc) in 1987 and it was determined, when the sewer line was ran to the new fire station, the land will not perc now. Mayor Townsell stated he believed at one time the land was developable, but it would cost approximately \$50,000.00 to extend the sewer main to the property which would prohibit almost anyone from using the land for residential use. Mayor Townsell stated the land has a great view and is located next to the parking area of old Civil Defense bunker, occupying the hilltop from the facility that UCA now owns, extending to where the highway goes to Donaghey Ave. Alderwoman Smith asked if the cost of the water would prohibit water being ran to the park. Mayor Townsell replied water runs across the front of the property. Alderwoman Mehl stated we will not be able to install restrooms on the property. Mayor Townsell replied you could place a water fountain there, and possibly a restroom, but we would need to verify this with Conway Corporation. Alderwoman Smith asked if the Parks department personnel would maintain the property. Mayor Townsell replied the property is overgrown, so no maintenance will be involved now, but if council decides to accept the donation, you could determine how much of the property you would want to use and maintain. Alderwoman Smith asked if any neighbors will complain due to the overgrowth of the vegetation. Mayor Townsell stated the property has been overgrown since 1987. Alderwoman Smith asked if you have tried to sell the property. Mayor Townsell replied yes, I've tried to sell the property, but the lack of sewer connection has been an issue. Alderman Hawkins motioned to accept the donation of the property. Alderman Grimes 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 Ledbetter, Alderwoman Smith, and Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

C. New Business

1. Consideration to approve the request to redeem all outstanding bonds for Nucor Corporation.

Mayor Townsell explained Nucor is the beneficiary of Act 9 Bond financing that is a state program which allows a state corporation located in the city to use our bonding authority for

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improvements to their facility. Mayor Townsell stated this is the first step required to recall their outstanding bonds by the end of the year; we will have the necessary documents to end the PILOT agreements and convey the property to Nucor. Alderman Hawkins motioned to approve the request. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

2. Ordinance to establish a wrecker franchise service for the City of Conway.

Item held on committee.

3. Consideration to change the date of the last regularly scheduled City Council meeting to an alternative date due to the Christmas Holidays.

Mayor Townsell stated the next City Council meeting is scheduled to be held December 23, 2014, but we can move this meeting if council so desires. After some discussion no action was taken.

Adjournment

PASSED this 9th day of December 2014

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett