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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
September 25, 2012

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 Grimes, Alderman Vaught, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Hawkins was not in attendance.

**Call to Order: Mayor Tab Townsell**

**Roll Call: Michael O. Garrett, City Clerk/Treasurer**

**Minutes: September 11<sup>th</sup>, 2012 City Council Meeting**

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

**Announcements/Proclamations/Recognitions: *Employee Service Awards***

**5 Years**

Harold Voorhies, - Sanitation Dept.

Officer Sara Ault - Police Dept.

Officer Thomas Cole - Police Dept.

Officer Jimmy Henson - Police Dept.

Officer James Mitchell - Police Dept.

Officer Richard Shumate - Police Dept.

**10 Years**

Perry Murdock - Street Dept.

Officer Melissa Smith - Police Dept.

D.A. Campbell - Sanitation Dept.

**15 Years**

Officer Brian Williams - Police Dept.

**1. Report of Standing Committees:**

**A. Economic Development Committee (Airport, Conway Corporation, Conway Development, Chamber of Commerce)**

**1. Consideration to approve dedication deed for Conway Corporation for property located at 1405 Lollie Road.**

Alderwoman Smith motioned to approve the dedication deed. Alderwoman Whitmore seconded the motion. Ronnie Hall, City Engineer, stated this is just the dedication of right of way that abuts Conway Corps property at the new water treatment facility. There was no discussion. The motion passed 7-0.

**2. Consideration to approve nominations for the Airport Advisory Committee.**

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Mayor Townsell stated the following persons have been recommended for this committee.

- Brad Teague & William Adkisson (Ward 4) - Two (4) year terms
- Steve Magie (Ward 2) & Fletcher Smith (Ward 3) - Two (3) year terms
- Harrell Clendenin (Ward 4) & Kevin Wish (Ward 1) - Two (2) year terms
- William Hegeman (Ward 2) One (1) year term

Alderwoman Smith asked about the validity of the Conway Development Corporation (CDC) running the new airport. Bill Adkisson, President CDC, stated yes there has been discussions about different forms of management; the CDC has been mentioned as a possibility but we have not taken any action. Alderwoman Smith motioned to approve the recommended nominations. Alderwoman Whitmore seconded the motion. Alderwoman Mehl asked what the determining factors were in the selections. Jack Bell, Mayor's Assistant, explained most of these selections have been involved in the airport re-location for an extended period of time, and explained there is a lot to be done in a short period of time and experience and knowledge were key. Alderman Grimes asked what other functions these individuals will have, other than deciding how to operate the airport. Mayor Townsell stated the first years they will help with design and management/operational elements; after this they will help ensure that the airport is run properly in relation to aviation; the board will meet at the Mayor's request on an as needed basis. Alderman Grimes asked if this will be classified as a Blue Ribbon Board where individuals cannot be re-appointed. Mayor Townsell stated we would like it classified in a lower category where members can be re-appointed. Mayor Townsell stated that if council wishes to recommend any of the other nominations, please do so. There was no other discussion. The motion passed 7-0.

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

- 1. Resolution requesting the Faulkner County Tax Collector place a certified lien against property located at 1618 Sarah Circle for incurred expenses by the City of Conway.**

**R-12-38**

Bill Haynes, Code Enforcement Officer, was present to answer questions. Mayor Townsell stated the property address is 1918 Sarah Circle; the cost of cleanup was \$161.06 (\$119.15 + Penalty \$11.91 + 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 enter into a reimbursement agreement with Exxon Mobil Pipeline for City of Conway Arterial Loop Project.**

Ronnie Hall, City Engineer, explained prior to the city building the south inter-change roadway, ExxonMobil, in an effort to avoid delaying future repairs under the road, is requesting the city pay for re-coating of the pipeline; the cost is \$275,369.23, if any money is left over it will be refunded to the city. Alderwoman Smith motioned to enter into this

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agreement. Alderwoman Whitmore seconded the motion. After some discussion the motion passed 7-0.

**3. Consideration to accept bids for the Stone Dam Creek Pathway Project (Mimosa Dr to Dave Ward Drive).**

At the Mayor's request, Alderwoman Whitmore motioned to hold this item in committee. Alderwoman Smith seconded the motion. The motion passed 7-0.

**4. Ordinance accepting and appropriating grant funds for the Conway Tree Board to help pay for expenses associated with the 2012 Arbor Day Celebration.**

**O-12-86**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderman Vaught, Alderman Grimes, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0. \$5,000.00 was donated by Conway Corporation.

**5. Ordinance accepting and appropriating grant funds received for Conway EcoFest 2012 events.**

**O-12-87**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. 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": Alderwoman Smith, Alderman Rhodes, Alderman Vaught, Alderman Grimes, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0. The donation was \$1,000.00.

**6. Ordinance to rezone property located west of the termination of Collins Drive from R-1 to PUD.**

**O-12-88**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Vaught seconded the motion. Wes Craiglow, Planning Dept., stated they will pay into the sidewalk in-lieu fee. Ronnie Hall, City Engineer, stated sidewalks should be required, or they should pay the in-lieu of fee. Fred Langford, 3225 Majestic Circle, asked why e would need sidewalks in a gated area. Mr. Craiglow stated he had just been informed by Planning Commissioner, Craig Cloud, that the sidewalk in-lieu would be captured when the PUD is submitted for subdivision review for the re-plat. Mr. Hall stated the conditions states "sidewalks will not be required". Mr. Cloud did concur with Mr. Craiglow. Alderwoman Mehl stated we should add this to the PUD conditions.

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Mayor Townsell stated either add it or remove the condition altogether. Alderwoman Smith motioned to remove condition # 6 "Sidewalks shall not be required". Alderwoman Whitmore seconded the motion. The motion passed 7-0. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderman Vaught, Alderman Grimes, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0. The conditions are as listed below:

1. Platting shall be required.
2. Setbacks. Building setbacks must be established and shown on plat. These setbacks will be consistent with R-1 development.
3. PUD land use shall be limited to single-family residential dwellings and typical accessory buildings.
4. A property owners association must be formed in order to provide maintenance for common property including the private street, gate, gate house, fence, and walls, etc.
5. Additional right of way shall be dedicated as for the construction of a future southern connector collector street.
6. Green space shall set aside as shown and reflected on subsequent plat.

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

1. **Consideration to accept bids for the purchase of a track hoe excavator for the Conway Sanitation Department.**

Cheryl Harrington, Sanitation Director, recommended the low bidder Alma Tractor & Equipment Inc. in the amount of \$167,478.00. Alderwoman Smith motioned to accept the low bid. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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

1. **Consideration to accept bids for the auction of weapons for the Conway Police Department.**

A.J. Gary, Chief of Police, recommended the low bidder, Cruse Uniforms, in the \$2,800.00; they are an authorized dealer and whom we currently get our firearms from. Alderwoman Smith motioned to accept the bid from Cruse Uniforms. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**E. Finance**

1. **Consideration to approve the monthly financials reporting ending August 31, 2012.**

Tyler Winningham, CFO, gave a brief synopsis of the August 2012 financial reports. Alderwoman Smith motioned to approve the August 2012 financials. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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**2. Ordinance appropriating funds for audit fees and professional accounting services for the City**

**O-12-89**

Tyler Winningham, CFO, stated this is the first year we segregated our federal grant audit from our financial audit; the cost is not yet know, but we will appropriate \$31,000.00 for these fees. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderman Vaught, Alderman Grimes, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0.

**3. Ordinance amending the general fund revenue budget for the City.**

**O-12-90**

Tyler Winningham, CFO, explained this pertains to the items council pledged with the successful passage of the re-dedication of the 2006 quarter cent sales tax. Mayor Townsell stated this transfer of sanitation money into the general fund; this is money we are never going to spend; this will provide us with the cash flow we need so we will not have to borrow from any other fund. 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. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderman Vaught, Alderman Grimes, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0.

**4. Ordinance appropriating funds for a general fund reserve for the City.**

**O-12-91**

Mayor Townsell stated this is the first of four consecutive years dedicating \$500,000.00 annually to a general fund reserve that can only be used with council's approval. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. After some discussion it was decided to leave it at the discretion of the finance office. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderman Vaught, Alderman Grimes, Alderwoman Mehl, Alderwoman Whitmore, and Alderman Jones. The motion passed 7-0.

Alderwoman Whitmore motioned to suspend the rules and add an item regarding the settlement from JP Morgan Chase. Alderwoman Smith seconded the motion. The motion passed 7-0. Michael Murphy, City Attorney, explained he spoke with Gordon Wilbourn with Kutak Rock, our bond council again and he is fairly certain this transaction goes back to a transaction in 2002 that dealt with 1993 Series Electric Revenue Refunding Bonds and the 2002 Series Electric Revenue Refunding Bonds. Mr. Wilbourn indicated this was a

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situation where we worked with Conway Corp and if we accept this settlement they will need to be consulted about the proceeds; but recommended we accept the settlement. Mr. Murphy stated this includes about 800 public entities across the country, Conway being the only one in Arkansas; if we accept the settlement we must sign a release giving up the right to pursue via our own lawsuit and give up the right to be participate in the other separate class action suit. Alderwoman Smith motioned to accept the settlement and confer with Conway Corp. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 7-0.

**Old Business**

**New Business**

**Adjournment**

**PASSED this 25<sup>th</sup> day of September 2012**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**