
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
November 1, 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; Alderwoman Smith, Alderman Rhodes, Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderwoman Whitmore, 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: *October 11, 2011*

Alderwoman Smith motioned to approve the October 11, 2011 minutes as submitted. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

Announcements / Proclamations / Recognition: *Employee Service Awards*

10 Years

Jimmy King – Fire Dept.

Clint Harper – Fire Dept.

15 Years

Sue Wilson – Sanitation Dept.

1. Report of Standing Committees:

A. Public Hearing:

- 1. Public Hearing / Ordinance to discuss closing a 12 foot utility/drainage easement (Private Pedestrian walkway) located between and on existing Lots 70 & 71 in the Village at Hendrix.**

O-11-85

Mayor Townsell opened the public hearing. No one was present to speak. Mayor Townsell closed the public hearing. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderman Jones 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 Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

- 2. Public Hearing/Ordinances to discuss closing four separate access/utility easement located at Harps on German Lane.**

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Ordinance closing a 50-foot access easement located in the re-plat of Harps on German Lane.

O-11-86

Mayor Townsell opened the public hearing. David Wilkins, Engineering Services, Inc., was present to answer questions. Mayor Townsell closed the public hearing. 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, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

Ordinance closing a 15-foot utility easement located in the re-plat of Harp's on German Lane.

O-11-87

Alderman Hawkins 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. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

Ordinance closing a 15-foot utility easement located in the re-plat of Harp's on German Lane.

O-11-88

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. 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": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

O-11-89

Ordinance closing a 20-foot drainage easement located in the re-plat of Harp's on German Lane.

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. 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": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

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

- 1. Resolution requesting the Faulkner County Tax Collector to place a certified lien on property located at 1515 Freyaldenhoven Lane as a result of incurred expenses by the City.**

R-11-59

Alderman Hawkins stated the property address is 1515 Freyaldenhoven Lane; the cost of cleanup was \$131.61 plus 10% collection penalty. There was no one present to speak to this issue. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There no discussion. The motion passed 8-0.

- 2. Resolution ordering the condemnation and cleanup at 2290 Hairston Street and declaring the intent of the City to bring the property up to City Code.**

Grant Tomlin, Code Enforcement Officer, explained Mr. Bruce Kemper is in the process of purchasing the property and does have an offer and acceptance; the title work is in process and Mr. Tomlin asked council hold this in committee for 60 days to allow time for closing and for Mr. Kemper to obtain the necessary permits for remodel. Alderwoman Smith motioned to hold this in committee for 60 days. Alderwoman Whitmore seconded the motion. After some discussion the motion passed 8-0.

- 3. Consideration of a request from Morrison Shipley Engineers on the behalf of Superior Chevrolet for a conditional use permit to allow an automobile dealership in C-4 for property located at 1300 Exchange Avenue.**

Alderman Hawkins motioned to grant the conditional use permit. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0. The condition is as listed below:

- External sound system used allowed between the hours of 8:00 am to 7:00 pm only.

- 4. Ordinance accepting grant proceeds from ADEQ for GIS work for the Planning Department.**

O-11-90

Jason Lyon, GIS Coordinator, explained this is not a matching grant and will provide funding for updates to the Conway GIS which will include training and software etc. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. 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": Alderman Rhodes, Alderwoman Smith, Alderwoman Mehl, Alderwoman Whitmore, Alderman

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Grimes, Alderman Hawkins, Alderman Vaught, and Alderman Jones. The motion passed 8-0.

Alderman Vaught exited the meeting.

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

1. Ordinance appropriating reimbursement funds received at the Animal Welfare Unit.

O-11-91

Alderswoman Whitmore motioned to waive the readings of the ordinance. Alderswoman Smith seconded the motion. The motion passed 8-0. Alderswoman Smith motioned to adopt the ordinance. Alderswoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderswoman Smith, Alderswoman Mehl, Alderswoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

2. Ordinance accepting donated items to the Conway Police Department.

O-11-92

A.J. Gary, Chief of Police, was present to answer questions. This is a donation of a Remington 870 12 gauge shotgun (Serial # RS62409B) from Wal-Mart valued at \$450.00. Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 7-0. Alderswoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderswoman Smith, Alderswoman Mehl, Alderswoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

3. Ordinance appropriating & accepting restitution funds from various entities for the Conway Police Department.

O-11-93

A.J. Gary, Chief of Police, was present to answer questions. Alderswoman Whitmore motioned to waive the readings of the ordinance. Alderswoman Smith seconded the motion. The motion passed 7-0. Alderswoman Smith motioned to adopt the ordinance. Alderswoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderswoman Smith, Alderswoman Mehl, Alderswoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

D. Finance

1. Ordinance adopting certain accounting policies (Asset Management Policy - Capitalization) utilized by the City of Conway.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

O-11-94

Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 7-0. Tyler Winningham, CFO, stated the city currently has a capitalization minimal level set at \$750.00 which inflates the capital asset list. Mr. Winningham stated that the GFOA currently recommends for any government a threshold of \$5,000.00 and asked council to approve this increase to be in line with the government standards. Alderman Smith motioned to waive the readings of the ordinance. Alderman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Rhodes, Alderman Smith, Alderman Mehl, Alderman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

O-11-94

- 2. Consideration to approve for the State Division of Legislative Audit to conduct the audit for the City.**

Mayor Townsell stated this will save the city approximately \$120,000.00 annually. Tyler Winningham, CFO, stated the State approved our request and asks council to grant the final approval. Alderman Whitmore motioned to approve and proceed with a State Legislative Audit for the 2011 fiscal year. Alderman Smith seconded the motion. There was no discussion. The motion passed 7-0.

- 3. Consideration to approve the monthly financial statement (September, 2011) for the City of Conway.**

Tyler Winningham, CFO, was present to answer questions. Alderman Hawkins motioned to approve the September 2011 financial statement. Alderman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Old Business

New Business

Annual Resolutions for Quorum Court

- 1. Resolution of a voluntary levy of two-tenth's (.2) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a Animal Shelter for the City of Conway.**

R-11-60

City Attorney Michael Murphy read a brief description of the resolution. Alderman Hawkins motioned to adopt the resolutions (R-11-61 through R-11-66). Alderman Smith seconded the motion. Alderman Rhodes stated this is one of the few opportunities council can generate more revenue for the city and suggested possibly considering raising the mill on the general fund by .6 which would bring in approximately \$500,000.00. Mayor Townsell stated he concurs with Alderman Rhodes, but stated the millage increase would not do as much as the re-dedication of the ¼ cent sales tax. Alderman Rhodes stated this is one of the few opportunities council can

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

generate more revenue for the city and suggested possibly considering raising the mill on the general fund by .6 which would bring in approximately \$500,000.00. Mayor Townsell stated he concurs with Alderman Rhodes, but stated the millage increase would not do as much as the re-dedication of the ¼ cent sales tax. There was no further discussion. The motion passed 7-0.

- 2. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a Policeman's Pension and Relief Fund.**

R-11-61

City Attorney Michael Murphy read a brief description of the resolution. This resolution was passed with item New Business - 1 above.

- 3. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for a Fireman's Pension and Relief Fund.**

R-11-62

City Attorney Michael Murphy read a brief description of the resolution. This resolution was passed with item New Business - 1 above.

- 4. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue for the Pension and Relief Fund for paid Non-uniformed employees.**

R-11-63

City Attorney Michael Murphy read a brief description of the resolution. This resolution was passed with item New Business - 1 above.

- 5. Resolution of a levy of four-tenths (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising special revenue the exclusive purpose of operating and maintaining the cemeteries for the City of Conway.**

R-11-64

City Attorney Michael Murphy read a brief description of the resolution. This resolution was passed with item New Business - 1 above.

- 6. Resolution of a voluntary levy of four-tenth's (.4) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for a recreation assessment raising special revenue for the sole and exclusive purpose of providing additional funds for the purpose of construction, equipping, operating and maintaining the public recreation and playgrounds of City of Conway.**

R-11-65

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

City Attorney Michael Murphy read a brief description of the resolution. This resolution was passed with item New Business - 1 above.

7. **Resolution of a levy of one and nine-tenth's (1.9) mill on the dollar be made upon the assessed valuation of all taxable real estate and personal property tax for raising General Fund Revenues.**

R-11-66

City Attorney Michael Murphy read a brief description of the resolution. This resolution was passed with item New Business - 1 above.

Adjournment

PASSED this 1st day of November 2011

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett