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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 p.m.  
January 24, 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 Hawkins, Alderwoman Smith, Alderman Rhodes, Alderwoman Mehl, Alderman Vaught, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

**Call to Order: Mayor Tab Townsell**

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

**Minutes: January 10<sup>th</sup>, 2012**

Alderman Whitmore motioned to approve the January 10, 2012 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 8-0.

**Announcements/Proclamations/Recognitions:**

**1. Report of Standing Committees:**

**A. Public Hearing**

- 1. Public Hearing/Ordinance to close all streets within the Turnberry Subdivision PUD including Turnberry Drive and Edinburgh Drive.**

**O-12-02**

Mayor Townsell opened the public hearing. Kevin Watson, 612 Padgett Rd, Turnberry Subdivision PUD owner, requested the closing of these streets, from public to private, in order to install entry gates to make this a gated community. Mr. Watson stated he has checked with the city in regards to accessibility, services, safety, etc. Mr. Watson went onto say that Turnberry is one of few subdivisions that has fire sprinkler systems in all homes, and as developers, we feel this would increase marketability of the subdivision, not to be exclusive, but to be safer. Mr. Watson stated that maintenance of the streets would become the responsibility of the developer, and eventually to the POA once that is in place. Conway Corp and any other utility companies would have full easement access. Bryan Patrick, Planning & Development Director, stated he provided a revised ordinance which includes language clarifying the transfer of these streets to private, which would be privately maintained, and shall retain utility and drainage easements etc. 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 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, Alderwoman Mehl, Alderman Vaught, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 8-0.

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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

**1. Update on the condemnation process of the Dryer Building located at 912 Front Street.**

Laura Dryer explained they have found a non-profit organization that is willing to restore the Dryer Building; we will be meeting with the director/executive director tomorrow morning. Alderman Vaught asked about the shoring and time frame of construction/remodeling. Ms. Dryer explained the shoring situation got out of hand; the main thing that was needed was the installation of "crack monitors" to know if the building is moving; these monitors are functioning and the building is not moving. Mayor Townsell assured council that the city will continue to monitor this situation. Ms. Dryer stated she will know more about a time frame once she meets with the non-profit directors.

**2. Resolution requesting the Faulkner County Tax Collector to place a certified lien on property located at 200 Fairway as a result of incurred expenses by the City.**

**R-12-02**

Alderman Hawkins stated the property address is 200 Fairway Drive; the cost of cleanup was \$166.61 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 was no discussion. The motion passed 8-0.

**3. Consideration to enter into an easement agreement with The Village at Hendrix.**

Lydia Nash, representing The Village at Hendrix, explained Hendrix College received a federal grant from the Arkansas Highway Dept. in the amount of \$120,000.00, but in order for them to receive the grant, they must partner with a city or county entity, in the event the college should no longer be in business, the city would maintain the trails. Mayor Townsell explained that grants for "park like" facilities and trails are "forever" and that is why another entity is needed. Alderman Jones motioned to approve this agreement. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**4. Consideration to enter into an agreement with Garver Engineer to provide architectural and engineering services for the terminal building at the new Conway Municipal Airport.**

Ronnie Hall, City Engineer, explained this is a contract to engage Eric Peterson and Garver Engineers to provide the preliminary design airport terminal building; the cost is \$80,000.00. Alderwoman Smith motioned to enter into the agreement. Alderwoman Whitmore seconded the motion. Mayor Townsell stated the fee of \$80,000.00 is a component of what will ultimately be a percentage fee for architectural services. There was no further discussion. The motion passed 8-0.

**5. Consideration to enter into an agreement with Garver Engineer for engineering services to prepare the obstruction survey and approach date for the new Conway Municipal Airport.**

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Ronnie Hall, City Engineer, explained this will provide the surveys needed to submit to the FAA to develop an approach into the new airport; the cost is \$72,905.00 which is eligible for 95% FAA funding. Alderwoman Smith motioned to approve this agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 6. Ordinance updating the city electrical code by adoption of the 2011 National Electrical Code and amending administrative provisions for the enforcement of the electrical code.**

**O-11-03**

Bryan Patrick, Planning & Development Director, stated this is basically a housekeeping measure, explaining that the State has adopted the 2011 National Electrical Code which is in affect statewide. Mr. Patrick explained if we did not adopt this, our local electricians and electrical contractors would be working under two codes. 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": Alderwoman Smith, Alderman Rhodes, Alderwoman Mehl, Alderman Vaught, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 8-0.

- 7. Ordinance to rezone property located at 2505 East Oak Street from MF-2 to I-3.**

**O-12-04**

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Mayor Townsell stated this is city owned property and we are attaching it to the Fairground property, which is also zoned I-3. David Myers, 20 Skunk Hollow Rd, explained his property abuts the Fairgrounds to the east and does not oppose this issue, but wants the city to have the ability to change the zoning if the Fairgrounds were to ever relocate. City Attorney Mike Murphy stated the city did a public dedication that restricted the use. Mr. Myers stated he would like to see the same type of restriction apply to this property as well. After some discussion the clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderwoman Mehl, Alderman Vaught, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 8-0.

- 8. Ordinance to rezone property located at 2501, 2511, 2355 East Oak Street from MF-2 to C-3.**

**O-12-04**

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Mitch Hart, 1401 Hogan Lane, stated we are cleaning up the area for developmental purposes and stated when we sold the property to the city for the Fairgrounds, that changed the flavor of that area and it is more commercialized as opposed to multi-family. Mr. Hart stated that about 50% of

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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individuals would rather live next to commercial property than multi-family property, explaining there is more need for commercial property than multi-family property; if he should find a buyer that wanted to build multi-family he may request yet another change to this property. 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, Alderwoman Mehl, Alderman Vaught, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 8-0.

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

**1. Ordinance clarifying residential and commercial sanitation fees for the Sanitation Department.**

O-12-06

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

**D. Finance**

**1. Consideration to approve the monthly financial reporting ending December 31<sup>st</sup>, 2011.**

Tyler Winningham, CFO, gave a brief synopsis of the December 2011 financial reports. After some discussion Alderwoman Smith motioned to approve the December 2011 financial reports. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

*Old Business*

*New Business*

**1. Ordinance appropriating funding to repair and replace the phone system at City Hall.**

O-12-07

Mayor Townsell explained City Hall has been in need of a new phone system for some time, and recently it became inoperable for a period of time; a temporary solution has been put in place until a new system can be approved and installed. Mayor Townsell explained we wish to purchase a system that is compliant with systems installed in other departments. The phone system will be purchased from Kirby Telephone Service (sole source vendor) in the amount of \$18,000.00. Alderwoman Whitmore 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 and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderwoman Mehl, Alderman

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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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

*Adjournment*

**PASSED this 24<sup>th</sup> day of January 2012**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**