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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
November 26, 2013

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 Mehl, Alderman Pruitt, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, Alderwoman Whitmore, and Alderman Grimes. 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: November 12<sup>th</sup>, 2013 City Council Meeting**

Alderwoman Whitmore motioned to approve the November 12, 2013 minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**Recognition: Employee Service Awards**

**10 Years**

Paul Young - Permits & Code Enforcement

Lisa Williams - Human Resources

**15 Years**

Larry Hearn - Police Dept.

**1. Report of Standing Committees:**

**A. Public Hearings**

- 1. Public hearing to discuss the closing of a 15 foot utility easement located in Christina Subdivision located at west of 2401 Christina Lane.**
  - a. Ordinance closing the 15 foot utility easement lying in Lot 3-B of a replat in Christina Subdivision located west of 2401 Christina Lane.**

**O-13-126**

Mayor Townsell opened the public hearing. Steven Hogan, Tyler Group, explained Salem Place Nursing Home is looking to expand across this easement; the sewer line will be relocated to the north and the city has received all approvals from the various utility companies. The Mayor 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 Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

**2. Public hearing to discuss the closing of a 16.5 foot utility easement in Golden Meadows Subdivision.**

**a. Ordinance closing the 16.5 foot utility easement lying in Lot 38 of Golden Meadows Subdivision located at 5015 West Tyler Street.**

**O-13-127**

Mayor Townsell opened the public hearing. Steven Hogan, Tyler Group, explained this is a telephone easement; AT&T has no objections to this closing. The Mayor 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 Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

Alderwoman Mehl motioned to motioned to move the three finance items up on the agenda. Alderman Grimes seconded the motion. The motion passed 8-0.

**Consideration to dispose of certain inventory for various departments.**

Alderwoman Smith motioned to approve the disposals of inventory. Alderwoman Whitmore seconded the motioned. There was no discussion. The motion passed 8-0. The items being disposed are as follows:

• Scotty Trailer	Tag# 1945	Donated to FC/OEM
• 1977 Ford Crown Vic	Tag# 1042	Auction online
• 2005 Ford Crown Vic	Tag# 1075	Auction online
• 2000 Chevrolet Camero	Tag# 1065	Auction online
• Stalker Radar Unit	Tag# 0821	Traded for new
• Stalker Radar Unit	Tag# 0820	Traded for new
• 1996 Jacobsen Greens Mower	Tag# 2070	Scrapped
• 1995 New Holland Flail Mower	Tag# 2911.25	Scrapped
• 1998 GT-275 JD Tractor Mower	Tag# 2069	Scrapped
• 1998 LX-188 JD Tractor Mower	Tag# 2068	Scrapped
• 2002 GX 325 JD Tractor Mower	Tag# 2114	Scrapped
• 2000 Z 727 JD Zero Turn Mower	Tag# 2167	Scrapped

**Ordinance appropriating funds for the 2012 City Audit.**

**O-13-128**

Tyler Winningham, CFO, explained BKD is currently onsite and we have received one billing to date; they will bill us as they progress, with billings in November and December 2013, and January and February 2014. The fee proposed by BKD is \$85,180.00 and will be a fund balance appropriation. 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. Mayor Townsell stated this is actually one-half the cost, the other one-half will be budgeted or in an ordinance in 2014. There was no further discussion. The clerk called the roll with

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the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

**Consideration to approve the monthly financials ending October 31<sup>st</sup>, 2013.**

Tyler Winningham, CFO, explained in the General Fund, Ad Valorem taxes are up 9% over last year; we will do well to hit our budget this year but stated property taxes are on the rise and development continues to grow. Sales tax is down 1.5% compared to same time last year and we are doing our best to hold expenses down. Mr. Winningham explained the Street Fund has received more severance tax than anticipated this year and expenditures are within their set parameters. Mr. Winningham stated with a month of collecting the new sanitation fee increase it appears this revenue will be up approximately \$150,000.00 monthly; all other aspects of the fund are normal. Alderman Jones motioned to approve the October 2013 financial reports. Alderwoman Smith seconded the motion. The motion passed 8-0.

**B. Economic Development Committee (Airport, Conway Corporation, Conway Development, Chamber of Commerce, Downtown Partnership)**

**1. Ordinance creating a board of assessment to review proposed benefits for the Central Business District #1.**

**O-13-129**

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Bill Bethea, 908 Heather Circle, explained a Board of Assessment will work with the commission's assessor, to assess the various properties included in the district; the properties were listed, along with their values which should not change. Mr. Bethea stated these assessments will be filed with the city clerk's office, a notice will be placed in the newspaper; anyone who objects to the assessment can file their objections with the city clerk, and will be presented at the next council meeting. Mr. Bethea asked council to approve the board via the ordinance which appoints Richard Arnold, Robert Adcock, and T.J. Johnston to a Board of Assessment. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

**2. Consideration of a change order for Cantrell Field Terminal Building Change Order No. 1 to modify entry canopy appearance and miscellaneous other items.**

Ronnie Hall, City Engineer, explained the Airport Advisory Committee has reviewed the plans with the architect and recommends modifying the plans to remove a large pre-cast concrete panel entry, and replace it with an arched metal entry thus reducing the cost by \$49,993.00. Alderwoman Smith motioned to approve the requested change. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

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**3. Consideration of a modification to the design engineering contract for the Cantrell Field Terminal Building.**

Ronnie Hall, City Engineer, explained this modification is primarily related to revising the plan to reflect the arched metal entryway, along with several other items, the architect was involved in; this will increase the engineering design fee by \$13,000.00. Alderwoman Smith motioned to approve the contract. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**4. Consideration of entering into an engineering service agreement for the T-Hangars and Community Hangar at the Relocated Cantrell Field.**

Ronnie Hall, City Engineer, explained this will provide us the plans and specifications to replace the facilities we have at our existing airport to house airplanes; the work also includes construction observation of quality assurance for these projects. Mr. Hall stated is for 3 new T-Hangars, a Sun Shade, and a community hangar; the total cost for design engineering services and construction services is \$206,000.00. Alderwoman Smith motioned to approve the engineering service contract. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**5. Ordinance amending by reference by the airport height and land use zoning overlay district adopted by referring Ordinance O-11-35.**

**O-13-130**

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 and the emergency clause. Alderwoman Smith seconded the motion. Bryan Patrick, Planning & Development Director, explained this does not change, but amends it. Mr. Patrick stated this was held at the last meeting in order to see what possible changes that may have occurred, at the state level, regarding territorial jurisdiction regulations. Mr. Patrick went onto say that we can now only regulate one (1) mile out, but the previous airport height etc. which was passed via ordinance O-11-35 in May 2011 was not done through territorial jurisdiction, it was done through Airport Zoning and Enabling Act which is state statues 14-363-201, which allows cities, with airports, the right to go up to five (5) miles outside of their airport, to protect airspace from air obstructions that could prevent aircraft from taking or landing safely. Mr. Patrick stated the piece being amended relates to land use of city owned property zoned I-3 inside the city limits, nothing relating to territorial jurisdiction at all. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

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

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

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**R-13-79**

Alderman Hawkins stated the property address is 1525 Hardy St; the cost of cleanup was \$165.90 (\$123.55 + Penalty \$12.35 + 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 8-0.

**R-13-80**

Alderman Hawkins stated the property address is 2535 Blaney Hill Road; the cost of cleanup was \$2,348.66 (\$2,107.88 + Penalty \$210.78 + filing fee \$30.00). Nicole Hall, representing, Shirley and David Mitchell, explained they are upset with the manner this situation was handled and are aware that Code Enforcement has rules to follow, but this should not be pass common courtesy, and she feels the Tim Wells, Code Enforcement Officer, should have visited and informed Ms. Mitchell, who lives 400 ft away, that final clean up was to occur. Ms. Hall stated fortunately, Ms. Mitchell's daughter observed the cleanup, and was able to retrieve some of their belongings. Ms. Hall explained that on September 9, 2013 Mr. Mitchell worked on the property with a track hoe and believes that more than "a little or some progress" was made. Ms. Hall stated on September 17, 2013 she and Mr. Mitchell spoke with Mr. Wells who arranged for a roll off cart to be delivered to the property; this was the last time Mr. Mitchell spoke to Mr. Wells. Ms. Hall stated Mr. Mitchell once again spoke to Mr. Wells on October 9, 2013 when crews arrived to start final cleanup. Mr. Mitchell stated he had not heard from Mr. Wells in 3 weeks and he shows up for the cleanup. Mayor Townsell asked Mr. Mitchell if the time between the initial citation (August 20, 2013) and final cleanup (October 9, 2013) was not sufficient time. Mr. Mitchell stated no, as he could only work on the situation after work hours and he was the only one doing the work, but stated he had complied with everything he had been asked to and within the allotted time frame. Alderman Hawkins asked how many times the roll off was filled and taken to the landfill. Mr. Mitchell stated they requested 1 pickup, and the city picked up his roll off, and left a city owned roll off in its place. After some discussion Alderman Grimes asked what type of structure was on the property. Mr. Mitchell stated an old mobile home. Ms. Shirley Mitchell stated there were only 5 roll offs, not the seven shown. Alderman Hawkins stated he is still unclear of the number of roll off containers. Tim Wells, Code Enforcement Officer, stated it is his understanding that 7 roll offs taken to the landfill; the Mitchell's had 1 roll off on their property, but it was removed to avoid discrepancies in the sanitation charges to the city roll off container; Mr. Wells understands that the roll offs are charged by weight. Alderman Hawkins asked if they are charged for the roll off container to be taken to the landfill, and then returned to the property. Mr. Wells stated he is unaware of any other sanitation charges that might have been incurred. Mr. Wells explained he spoke to Mr. Mitchell on 3 separate occasions; the final notice was issued on October 2, 2013 during the last visit when he and his supervisor visited the property. Alderman Grimes asked when the last warning was issued. Mr. Wells stated final notice was given on September 20, 2013, at which time they were given until October 2, 2013 to comply. After reviewing the photos provided Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

- 2. Consideration of payment of business (rental property) relocation expenses relating to Tract 75 (Brownlee) of the Conway Western Loop right of way acquisition.**

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Ronnie Hall, City Engineer, explained this property owner has claimed a \$10,000.00 business relocation expense of his rental property, which is eligible for compensation. Alderman Hawkins motioned to approve this relocation expense. Alderman Grimes seconded the motion. There was no discussion. The motion passed 8-0.

**3. Consideration of a concurrence with Arkansas State Highway and Transportation Department in award of Contract for Conway Western Loop Interchange (Grading and Structures) to Mobley Contractors, Inc. of Morrilton, Arkansas.**

Ronnie Hall, City Engineer, explained this is an Interstate 40, Arkansas Highway 365, and a railroad overpass, and also a rebuilding of Lawrence Landing Road, the bid was awarded to Mobley Contractors in the amount of \$13,218,355.66; there is no cost to the city as it is picked up by the State. Alderwoman Smith motioned to approve the contract. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 8-0.

**4. Consideration of a conditional use permit to allow surface parking and religious activity in an SP Urban Zone (T5) for property located in the vicinity of 1272 Sutton Street.**

Alderman Hawkins motioned to approve the conditional use request. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0. The conditions are as follows:

1. External Sound System - No external sound systems are permitted due to the sites proximity to residences.
2. Parking Lot Lighting - Any exterior lighting must be designed and installed in such a way that it prevents light trespass onto adjacent properties.
3. Construction Hours - Hours of external construction are limited to 7:00 a.m. to 7:00 p.m. due to the sites proximity to residences.
4. Architecture/Design/Landscaping - The Conway Historic District Commission must review and approve through a Certificate of Appropriateness.
5. Signage - All signage will meet current Conway Sign Ordinance regulations.

**5. Ordinance to rezone property located north of Dave Ward Drive within Quail Run Circle and one lot on the north side of Quail Run Circle just south of Shepherd's Creek Subdivision from A-1 to R-1.**

**O-13-131**

Patrick, Planning & Development Director, was present to answer questions. 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 Pruitt, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, Alderwoman Mehl, and Alderman Hawkins. The motion passed 8-0.

Mayor Townsell asked council to suspend the rules to discuss a timeframe for open enrollment for supplemental insurance. Alderwoman Smith motioned to suspend the rules to add this item to the agenda. Alderwoman Whitmore seconded the motion. The motion passed 8-0. The Mayor explained we need to determine if we wish to offer other

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supplemental insurance products to our employees in addition to what we currently offer. Alderwoman Whitmore explained she feels there is a good balance of products being offered and feels most employees will decline supplemental insurance in order to pay for health insurance. Alderwoman Whitmore asked Lisa Williams, HR Director, if she had received any feedback from employees. Ms. Williams stated the information sheet was sent out and she had received a few requests, but overall she has not received much feedback. After some discussion of how many companies to allow Alderwoman Smith motioned to stay with our current company. Alderwoman Whitmore seconded the motion. There was no further discussion. The motion passed 8-0.

**D. Finance**

**1. Consideration to dispose of certain inventory for various departments.**

Item moved up on the agenda.

**2. Ordinance appropriating funds for the 2012 City Audit.**

Item moved up on the agenda.

**3. Consideration to approve the monthly financials ending October 31<sup>st</sup>, 2013.**

Item moved up on the agenda.

**E. Old Business**

**F. New Business**

**Adjournment**

**PASSED this 26<sup>th</sup> day of November 2013**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**