
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
April 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, Alderman Vaught, Alderwoman Mehl, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Rhodes was not in attendance.

Call to Order: Mayor Tab Townsell

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

Minutes: April 10th, 2012 City Council Meeting

Alderwoman Whitmore motioned to approve the April 10, 2012 minutes as submitted. Alderwoman Smith seconded the motion. The motion passed 7-0.

Announcements/Proclamations/Recognitions:

Employee Service Awards

5 Years

Larry West – Street Dept.

10 Years

Firefighter Chad Davis – Fire Dept.

Lt Chad Johnson – Fire Dept.

Christy Capps – Police Dept.

Maestas Moses – Sanitation Dept.

1. Report of Standing Committees:

A. Public Hearing

1. Public Hearing to discuss the closing of a portion of Hardy Street in the Harlan Park Subdivision.

Mayor Townsell opened the public hearing. Kim Tyler, Tyler Surveying & Mapping representing Azalea Holdings II LLC, explained due to time constraints, and individuals' being out of town, the petition is missing two signatures. Mayor Townsell stated those signatures will be needed and the ordinance can be held in committee until which time the signatures can be obtained. Mayor Townsell closed the public hearing.

2. Ordinance to discuss closing of the south 25 feet of Hardy Street lying adjacent to the north side of Block 1 and also lying adjacent to the north side of Block 4 in the Harlan Park Subdivision.

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Alderswoman Whitmore motioned to hold this item in committee until the next scheduled council meeting. Alderswoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

B. Economic Development Committee (Airport, Conway Corporation, Conway Development, Historic District, Chamber of Commerce)

1. Ordinance authorizing the issuance and sale of Wastewater Revenue Improvement Bonds, Series 2012A.

O-12-36

Gordon Wilbourn, Kutak Rock, explained this set of bonds is for construction of the lift stations. Alderswoman Smith motioned to waive the readings of the ordinance. Alderswoman Whitmore seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance and the emergency clause. Alderswoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderswoman Smith, Alderman Vaught, Alderswoman Mehl, Alderswoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0. The clerk called the roll for the emergency clause with the following voting "Aye": Alderswoman Smith, Alderman Vaught, Alderswoman Mehl, Alderswoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

2. Ordinance authorizing the issuance and sale of Wastewater Revenue Improvement Bond subordinated Series 2012B.

O-12-37

Gordon Wilbourn, Kutak Rock, explained these bonds are for construction of the wastewater treatment facility. 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 and the emergency clause. Alderswoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderswoman Smith, Alderman Vaught, Alderswoman Mehl, Alderswoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0. The clerk called the roll for the emergency clause with the following voting "Aye": Alderswoman Smith, Alderman Vaught, Alderswoman Mehl, Alderswoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

3. Resolution authorizing the execution, sale and delivery of Sales & Use Tax Capital Improvement and Refunding Bonds, Series 2012 for the City of Conway.

R-12-14

Gordon Wilbourn and Jack Trumper, Kutak Rock, were present to answer questions. Alderswoman Smith motioned to adopt the resolution. Alderswoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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4. Consideration to purchase right of way for the Washington-Fleming-Clifton Street Roundabout from various owners.

Ronnie Hall, City Engineer, explained the appraised value is listed below and recommended approval of these amounts totaling 58,000.00. Alderwoman Smith motioned to approve these amounts. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

- Hobbs Property (NW Corner) - 1,988 sq ft. - \$16,000.00
- Trent Property (NW Corner) - 4,342 sq. ft. - \$35,000.00
- Thompson Property (SE Corner) - 970 sq. ft. - \$7,800.00

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

Alderman Hawkins recommended moving item 1C-3 up on the agenda. Alderman Grimes motioned to move Item 1C-3 up on the agenda. Alderwoman Smith seconded the motion. The motion passed 7-0.

Ordinance to rezone property located at 2000 Dave Ward Drive, 706,708 S. Donaghey Ave, and 703, 707 S. Elizabeth Street from R-1 & O-2 to C-3.

Frank Shaw, Attorney at Law, representing Kum & Go, explained it is their desire to resubmit this under a different zoning proposal, specifically C-2 and requested approval to go back through the Planning Commission process in less than 1 year, and to pull this rezoning from the tonight's agenda. Alderwoman Smith stated she feels that C-2 is a much better fit for this proposal. Alderman Grimes motioned to allow Kum & Go to bring forth another proposal prior to the 1 year waiting period. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0-1. Alderwoman Mehl abstained.

1. Ordinance establishing standards for an urban agriculture policy for the City of Conway.

Wes Craiglow, Planning & Development Dept., explained this project arose last June as we have seen a high demand, and growing trend of "local food movements" in the United States right now, and we understand that many cities are not prepared for this. Mr. Craiglow stated we've had several requests come through the planning dept. for certain agricultural based activities that are not permitted in the City of Conway. Mayor Townsell stated that there are changes that need to be made to the ordinance, so no action will be taken tonight. Alicia Allen, 1819 Center St. Co-Director of the Faulkner County Urban Farming Project, stated we are located behind the Faulkner County Library and it is purely an educational program; all the food grown is donated to our local food banks in Conway. Ms Allen stated we have 15-20 people who come out every week to learn how to grow their own food and is in favor of the proposed ordinance. Mike Roar, 1325 Crosspoint, would like council to look at this closely because as he sees it there are approximately 50 people who are involved with this movement. David Barber, 1721 Simms, stated he would like to see particular items addressed with the proposed ordinance that are currently not allowed in the City. Shaun (last name inaudible) spoke in favor of the proposed ordinance but like to see the fee for

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conditional use lowered to be more affordable and so more people would want to participate. Allison Wallace, 532 Faulkner St, spoke in favor of the proposed ordinance. Andy Guffett, 2455 Krystal Kreek Dr., stated there are options currently available by right and sees no need to go through this process of changing definitions. Mr. Guffett stated if retail is a driving force, one can sell produce in A-1 zoning, you can obtain a conditional use permit, or sell via the Farmers Market; in short we do not need to change what is not broken. Alderman Hawkins motioned to hold this item in committee. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 6-0.

2. Ordinance to rezone property located west of Warwick Hills Lane from A-1 to R-1.

O-12-38

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

3. Ordinance to rezone property located at 2000 Dave Ward Drive, 706,708 S. Donaghey Ave, and 703, 707 S. Elizabeth Street from R-1 & O-2 to C-3.

Item moved up on the agenda.

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

1. Ordinance appropriating insurance proceeds received for the Conway Sanitation Department.

O-12-39

Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. \$16,540.68 will be a revenue appropriation to repair a rented 2008 CAT Dozer. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

2. Ordinance appropriating funds from Parks Special Revenue account to the Parks Capital Budget Account for improvements and various equipment purchases within the department.

O-12-40

Steve Ibbotson, Parks Director, explained this request will allow us to make improvements, and replace capital equipment; also included is the additional restroom facilities, the initial cost is approximately \$198,000.00; this request reflects \$100,000.00, which is short. Mr. Ibbotson stated we will be looking at scaling back on the service area in hopes to bring the

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cost of the new restroom facility down to \$160,000.00 or less. Mr. Ibbotson stated among these requests is the back stop on field 9, which will help alleviate balls being hit into area residents yards and the street, and paving in front of the Expo Center to assist with elderly and handicap access to the facility. Mr. Ibbotson gave a synopsis of the list of capital equipment and the appropriations are outline below. After much discussion in regards to Curtis Walker Park, Alderwoman Mehl motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Mehl motioned to approve the ordinance less the restroom facility at Conway Station Park (\$100,000.00) and the lighting, electrical, and scoreboard at Curtis Walker Park (\$170,000.00). Alderwoman Mehl stated we can hold these funds until a master plan can be completed for Curtis Walker Park and a cost can be determined for the bathroom facility at College Station Park. Mr. Ibbotson stated he believes the ordinance can be left as is as funds will not be spent without council approval; this will give us the opportunity to prepare a master plan for Curtis Walker Park. Alderwoman Mehl amended her motion to approve the ordinance as it was originally proposed. Alderwoman Smith seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

\$340,000.00 from Parks Impact Fees Fund Balance Appropriation Acct (652.140.4900) to the following Parks Dept Capital Budget Accounts:

• 252.140.5990	Parks CIP - Misc	\$170,000.00
• 252.156.5990	Conway Station Park CIP- Misc	\$120,000.00
• 252.159.5990	Fairgrounds CIP - Misc	\$ 50,000.00

\$141,800.00 from A&P Sales Tax Fund Balance Appropriation Acct (252.000.4900) to the following Parks Dept Capital Budget Accounts:

• 252.140.5910	Parks Machinery/Equip	\$42,800.00
• 252.140.5920	Parks Vehicles	\$44,000.00
• 252.159.5910	Fairgrounds Machinery/Equip	\$35,000.00
• 252.161.5910	Beaverfork Machinery/Equip	\$20,000.00

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

1. Ordinance appropriating insurance proceeds received for the Information Technology Department.

O-12-41

Alderman Hawkins motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Hawkins, and Alderman Jones. The motion passed 6-0. Alderman Grimes exited the meeting prior to the vote.

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- 2. Ordinance appropriating and accepting reimbursement/grant funds from various entities for the City of Conway.**

O-12-42

A.J. Gary, Chief of Police, was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 6-0. 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 Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Hawkins, and Alderman Jones. The motion passed 6-0.

Alderman Grimes re-entered the meeting.

- 3. Ordinance appropriating funds to replenish gasoline expenditure account for the Conway Animal Welfare Unit.**

O-12-43

A.J. Gary, Chief of Police, explained although the Animal Welfare Unit is part of the Police Dept. they operates under a separate budget. Chief Gary explained last year the Police Dept and Animal Welfare went to a new system for fueling called Fuel Man System. This system tracks the use of our fuel and also the individuals who drive these vehicles; the downside of this system is another department, apparently in previous years, had been paying for the Animal Welfare fuel; it could have been the Police Dept or another department, he is unsure. Chief Gary explained Animal Welfare actually drove less miles the first quarter of 2012 than the first quarter of 2011, but they are spending more money on fuel, some of this is the increase of fuel prices, so it is necessary to adjust our budget based on more accurate figures and requests an appropriation of \$10,000.00 from the General Fund account (001.119.4900) to the Animal Welfare gasoline expenditure account (001-127-5630). 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 further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Vaught, Alderwoman Mehl, Alderwoman Whitmore, Alderman Grimes, Alderman Hawkins, and Alderman Jones. The motion passed 7-0.

F. Personnel

- 1. Ordinance appropriating funding for civil service expenses for the Conway Police and Fire.**

O-12-44

Lisa Mabry Williams, HR Director, was present to answer questions. Mayor Townsell stated these expenses are not budgeted because we do not know what these expenses will be; this is a fund balance appropriation in the amount of \$19,600.00 from General Fund, Appropriation (001-119-4900) to Civil Service Account (001-119-5770). Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the

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

G. Finance

1. Consideration to approve the monthly financial reporting ending February 31 & March 31, 2012.

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

2. Resolution accepting a proposal for banking services for the City of Conway.

R-12-15

Alderman Grimes explained the Finance Committee recommends continuing our banking agreement with Centennial Bank for the next five years; Centennial's proposal paid the city the highest interest rates on our funds and had the lowest fees, which are zero. Alderwoman Mehl motioned to accept the RFP from Centennial Bank. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 5-0-2. Alderman Grimes and Alderwoman Whitmore abstained.

Old Business

New Business

1. Consideration of an event permit for the City of Conway.

A.J. Gary, Chief of Police was present to answer questions. Sgt. Smith, Police Dept, explained one problem we have encountered with past events is the individual/s will schedule events and then cancel without notifying the Police Dept. Sgt. Smith stated this permit requires a \$100.00 deposit and is refundable after the end of the event; it also gives us a month prior notice. Alderwoman Smith suggested a clause stating a required cancellation time and failure to cancel will result in loss of deposit. After some discussion it was decided to research this proposal further and allow other departments to look at it to see if their department may have involvement etc. Alderman Grimes motioned to hold this item in committee. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 7-0.

2. Resolution opposing the passage of the Natural Gas Severance Tax Act of 2012.

R-12-16

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Mayor Townsell stated this Act will raise the severance tax to higher levels which he feels does not make us more competitive with our neighboring states, but less competitive. Alderman Vaught explained the gas industry has been a blessing to the State of Arkansas and feels there is not a good enough reason to increase that tax from its current rate of 5% up to 7%. Alderman Vaught motioned to adopt the resolution. Alderwoman Smith seconded the motion. Jamie Gates, Conway Development Corp (CDC), also spoke in opposition of the proposed increase to the gas severance tax. Pamela Mosley, 1250 Hunter Street, explained she encouraged council to look at the big picture when making a decision on this proposal as both sides of the issue should be listened to and we should not let the economy rule our decision making. Ms. Mosley stated the issue is if this makes it onto the ballot. Marge Anderson, Conway resident, explained she has heard about the damage to the roads and the environment and it appears that the citizens would be responsible for the damage, and would be taxed higher because of these damages. Mayor Townsell stated any industry such the natural gas you have to look at, and judge it on various levels, environmental is one of them. Mayor Townsell stated this does not give them a free pass on the environmental side but we must do what is right for Arkansas. Mayor Townsell stated on the economics side of this issue, applying and raising the severance tax makes no sense; we can "kill" this industry, if it is causing irreparable damage on the environmental, but should not "kill" it on the economic side as would be the case if the severance tax is raised. There is road damage but it is being repaired and the relationships between the counties and the industry have strengthened and the infrastructure are now being addressed; there are ongoing environmental issues that we continue to deal with, but fortunately Southwestern Energy (SWN) is on the fore front of these issues in terms of transparency, disclosure, etc. There was no further discussion. The motion passed 7-0.

Adjournment

PASSED this 24th day of April 2012

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett