
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
September 8, 2015

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, and Alderwoman Whitmore. Also, present and acting: Mayor Townsell, City Attorney Chuck Clawson, and City Clerk Michael O. Garrett. Alderman Grimes and Alderman Jones were not in attendance.

Call to Order: Mayor Tab Townsell
Roll Call: City Clerk Michael Garrett

Minutes: August 25, 2015 City Council Meeting

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

1. Report of Standing Committees:

A. Public Hearing

- 1. Public Hearing/Ordinance to change the name of the current & future Arkansas Highway 25 to Salem Road.**

O-15-93

Mayor Townsell explained this ordinance will allow us to name the new road being constructed, Salem Road; this road will run from the I-40 overpass (Exit #124) northward to approximately Friendship Rd. Mayor Townsell opened the public hearing. There was no one present to speak. Mayor Townsell closed the public hearing. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 6-0.

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

- 1. Consideration to approve a change order (#2) for airport sewer utility contract with Tyler Group for Cantrell Field.**

Josh Zylks, Airport Manager, explained the total amount of this change order is \$27,344.75 and explained this will allow us to add water hydrants to the ends of the T-Hangar complex at a cost of approximately \$19,000.00. Mr. Zylks stated the remaining \$8,770.00 will cover the installation of the area drain between the terminal building and Community Hangar of which 90% of this will be paid for by the ADA grant we received earlier this year.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Alderman Smith motioned to approve the change order. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0.

2. Consideration to approve a change order (#3) for the airport sewer utility contract with Tyler Group for Cantrell Field.

Josh Zylks, Airport Manager, explained the total amount of this change order is \$22,823.76; the change order involves reconciliation of differences in quantities between the original bid and the final project as constructed which was due mainly to some of the pipe having to be laid deeper into the ground. Mr. Zylks stated this will be paid for by the 2013 FAA Grant. Alderman Smith motioned to approve this change order. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

3. Ordinance appropriating funds for the purchase of snow plow implements for the airport tractor & a floor cleaner for the Cantrell Field community hangar.

O-15-94

Josh Zylks, Airport Manager, explained he needs funds moved into the capital improvement line item and these funds were unallocated in the budget approved earlier this year. Mr. Zylks explained when he asked for funds a few months ago to purchase these items, he did not have hard quotes and he failed to ask for enough money. Alderman Whitmore motioned to waive the readings of the ordinance. Alderman Smith seconded the motion. The motion passed 6-0. Alderman Whitmore motioned to adopt the ordinance. Alderman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Smith, and Alderman Whitmore. The motion passed 6-0.

4. Consideration to approve a memorandum of agreement from the Federal Aviation Administration to operate a remote transmitter/receiver (RTR) at Cantrell Field.

Josh Zylks, Airport Manager, explained this MOA gives the FAA permission to install, maintain, and access RTR equipment in our facility and we will give the FAA a rent free lease to do so; this agreement is mutually beneficial to both parties and will not cost the city any money. Alderman Smith motioned to approve the agreement. Alderman Whitmore seconded the motion. There was no discussion. The motion passed 6-0.

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

1. Resolution setting a public hearing to discuss the closing of an alley in Block 79 of the Boulevard Addition running south from South Blvd. to Robins Street.

R-15-47

Alderman Whitmore motioned to adopt the resolution. Alderman Smith seconded the motion. There was no discussion. The motion passed 6-0. The public hearing will be held Tuesday September 22, 2015 at 6:30 pm.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

2. **Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 26 Briarwood Circle as a result of incurred expenses by the City.**

R-15-48

Alderman Hawkins stated the cost of cleanup was \$195.70 (\$150.64 + Penalty \$15.06 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0.

3. **Resolution requesting the Faulkner County Tax Collector to place certified lien on property located at 66 Briarwood Circle as a result of incurred expenses by the City.**

R-15-49

Alderman Hawkins stated the cost of cleanup was \$195.700 (\$150.64 + Penalty \$15.06 + 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 6-0.

4. **Consideration to approve the nomination of Matthew Murphy to the Bicycle & Pedestrian Advisory Board.**

Alderman Hawkins stated Mr. Murphy would be replacing Jimmy Warren and motioned to accept this nomination. Alderwoman Whitmore seconded the motion. Mr. Murphy's term will expire on December 31, 2017. There was no discussion. The motion passed 6-0.

5. **Ordinance granting a temporary franchise agreement to Stephen Giese to operate a mobile vending cart (Green Cart Deli) in Simon Park.**

O-15-95

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 6-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. Mayor Townsell stated this would grant a temporary franchise for one year, it is non-exclusive and we can grant another franchise of the same. Mayor Townsell stated this will allow this food vendor to operate in Simon Park unless we notify Mr. Giese of scheduled events in the park; the franchise fee is \$50.00. Alderwoman Whitmore asked if a section should be added that Mr. Giese needs: 1) have an A&P Permit and, 2) needs to remit his taxes to the city in a timely manner. Mayor Townsell stated it applies whether we add it or not, but we can add this. Alderwoman Whitmore motioned to add that language. Alderman Hawkins seconded the motion. Stephen Giese, Green Cart Deli, stated he has all of the required documents and the insurance is in place. Alderwoman Smith asked when he would operate. Mr. Giese stated we have been operating only on Saturday's. Mayor Townsell stated we can add in "*Section 4*" that "*the franchisee shall be responsible for obtaining and keeping current A&P Permit and being current with paying their A&P taxes*". There was no discussion on the amendment. The motion passed 6-0. There was no further discussion on the main motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 6-0.

6. Ordinance creating a newly formed public art committee with designated funding for the board.

O-15-96

Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 6-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Alderwoman Mehl stated we know the A&P portion can only be used for capital projects, which is not clearly shown on the ordinance, and asked if the voluntary tax is more flexible. Mayor Townsell stated that is correct. Alderwoman Mehl stated the A&P funds are not as flexible and we need to make sure everyone is aware that those 2 pieces are separate and have to be handled and accounted for separately. Mayor Townsell stated when we mention dedication of funding in Section 6 for the purpose of development, creation, acquisition, placement, and on-going maintenance of Public Art, the only thing we really get into question is the maintenance aspect of it which we could take out of the voluntary side. Alderwoman Mehl stated we need to make sure that the \$30,000.00 is used for the maintenance. Mayor Townsell stated this would be a sub-set of A&P monies dedicated to the city and we would still retain its restriction to capital, at least the portion that is A&P related. Alderwoman Mehl stated we have accumulated funds in the voluntary tax and asked if we have more to come. Mayor Townsell stated yes. Alderwoman Mehl stated this takes us over \$100,000.00 for this year and suggested implementing the A&P funds in next year's budget and give them all of the accumulated voluntary tax funds. Mayor Townsell stated we can add language if you want to do that but feels the language roughly says to take the annual proceeds of the voluntary property tax, but you are suggesting to give them the entire pot and then the new revenue coming in under the A&P would be from 2016. Alderwoman Mehl stated yes and we could build that into our 2016 budget. Mayor Townsell stated we can do it that way but he suggests adding in "*Section 6-A*" the following: "*and additionally all accumulated unspent voluntary property tax collections held by the city as of the date of the passage of this ordinance*"; anything that is already there and anything that comes in, could be included as revenue available for the Public Art Committee. Alderwoman Mehl motioned to amend the ordinance with the wording suggested by Mayor Townsell. Alderwoman Smith seconded the motion. There was no discussion on the amendment. The motion passed 6-0. There was no further discussion on the main motion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 6-0.

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

1. Ordinance appropriating funding for the construction and property acquisition of Tucker Creek Trail from College Avenue to Adamsbrooke Drive for the Parks Department.

O-15-97

Mayor Townsell stated we have already approved the low bid and the property acquisition for the Tucker Creek Trail extension, which will connect the two existing trails across the

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

middle; once completed you will be able to go from Gatlin Park to Wal-Mart on the bike trail. This is an A&P Fund Balance appropriation of \$423,825.00 for trail construction and \$126,000.00 for property acquisition. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith 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": Alderman Hawkins, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 6-0.

Mayor Townsell stated we are in the middle of tearing up Prairie Street from Chestnut to Court Street and Alderman Grimes suggested since we are tearing into the entire street system if we want to put in the brick crosswalks at that intersection like the ones at Main and Front Streets; the cost is approximately \$6,000.00 per crosswalk. Finley Vinson, City Engineer, stated it is approximately \$1,200.00 per crosswalk which would be \$6,000.00 for all five. Mayor Townsell stated the drawback is it would shut down the area for about 10 days. Alderman Hawkins asked if any of the property owners have been spoken to about this. Mr. Vinson stated no. Alderman Hawkins stated he believes they should be notified. Mayor Townsell stated we can go ahead and proceed unless we run into any issues with the property owners.

Adjournment

PASSED this 8th day of September 2015

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett