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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
December 10, 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 26<sup>th</sup>, 2013 City Council Meeting**

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

**Recognition:**

**1. Report of Standing Committees:**

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

- 1. Ordinance assessing the value of benefits to be received by the owners of each of the parcels of land within the Central Business Improvement District No. 1.**

**O-13-132**

Bill Bethea, Conway Downtown Partnership, explained Mr. Manley disagreed with the assessed value of his property; it was examined by our professional assessor who determined the value was high; the annual tax was reduced from \$1,179.00 to \$450.00; the assessed benefits are now \$2,848,972.00. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to adopt the ordinance and the emergency clause. Alderman Pruitt 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. Ordinance to permit only Conway Corporation to aggregate demand response of retail customers of Conway Corporation.**

**O-13-133**

Richie Arnold, CEO, Conway Corporation, was present to answer questions. George Heintzen, Conway Corporation, explained with Midcontinent Independent System Operator (MISO), a qualified aggregator could come in and decide to aggregate the demand on different customers. Mr. Heintzen explained this could potentially cause us to deviate

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from our normal bidding process which could ultimately cause a financial detriment to our customers; this ordinance designates Conway Corporation the sole aggregator for our retail customers. 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. After some 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.

- 3. Resolution authorizing the Mayor to execute a power supply agreement between the City of Conway and NRG Power Marketing, LLC.**

**R-13-81**

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

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

- 1. Consideration of nominations for the Oak Grove Cemetery, Planning Commission and Historic District Commission.**

Alderman Hawkins motioned to accept the recommended nominations (listed below) to the Oak Grove Cemetery Board. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- Shirley Merritt - 5 year term; 2014-2018
- Linda Rogers - 5 year term; 2014-2018
- Betty Cohen - 4 year term; 2014-2017

Alderman Hawkins motioned to accept the nomination of Jerry Rye (Ward 4) to a 5 year term on the Planning Commission. Alderwoman Smith seconded the motion. Mayor Townsell asked why there is only one nomination. Bryan Patrick, Planning & Development Director, explained with various changes to the board, Wendy Shirar has agreed to serve another term. The Mayor stated we should add Ms. Shirar for a re-appointment for a full 5 year term. Alderman Hawkins and Alderwoman Smith had no objections to this re-appointment. There was no further discussion. The motion passed 8-0.

Alderman Hawkins motioned to approve the re-appointment of Steve Hurd and George Covington, Sr. for terms to expire December 31, 2016 and to approve the nomination of Aaron Nicholson for a term expiring December 31, 2016. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- 2. Resolution requesting the Faulkner County Tax Collector to place a certified lien on property located at 912 Front Street as a result of incurred expenses by the City.**

**R-13-82**

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Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell stated this is the property we condemned and subsequently fenced off to protect the public. The Mayor stated it was determined, after a year of observation, the building was no longer moving, and the city removed the condemnation; this is the cost of the temporary fencing. The Mayor stated council needs to decide if the cost of the fence should be placed on the property owners. Alderman Grimes stated he feels the cost of the fence should not be placed on the property owners; as it turns out, we may have been wrong. Alderman Hawkins clarified that a positive vote would place the lien on the property owners and a negative vote would place the cost on the city. There was no further discussion. The motion failed 2-6. Alderman Jones and Alderwoman Smith voted in favor of the lien.

**3. Resolution ordering the condemnation and cleanup of property located at 626 Third Avenue.**

**R-13-83**

Tim Wells, Code Enforcement Officer, stated the property owners obtained a demolition permit on December 17, 2012; however the permit expired on July 17, 2013, a warning violation was issued on June 18, 2013, and regular and certified letters were sent on July 22, 2013. Mr. Wells stated Clarence Sublett requested a 3 month extension on August 16, 2013 which was granted, and they were given until November 6, 2013; the property was checked on November 6, 2013 and no progress had been made. Mr. Wells requested council approve demolition of the structure. Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**4. Consideration of a request from Kevin Watson to place an earth tone brick along the rock cut on the north side of Prince Street on the east side of Turnbery Subdivision located off Prince Street.**

Kevin Watson, 612 Padgett Rd, explained his request is to place a brick fence along the rock cut on the north side of Prince St, which is to the east of Turnbery Subdivision, but stated the fence would be placed in the street right of way. Alderman Hawkins motioned to approve this request. Alderman Pruitt seconded the motion. Ronnie Hall, City Engineer, recommended planning for a future widening of Prince St; if this were to happen, the reconstruction of the wall should not be a burden on the people. Mr. Hall stated this should expire upon awarding a construction contract that would impact the wall. Bryan Patrick, Planning & Development Director, suggested adding this to the final development paperwork for Turnbery Subdivision. City Attorney Michael Murphy stated he feels by adding it to the documentation to the development paperwork is a good idea. Mayor Townsell stated it should be noted in the final draft of the Turnbery PUD. Mr. Watson stated as the developer he would be glad to sign that. Alderwoman motioned to approve the request and to record this transaction into the final copy of the PUD. There was no further discussion. The motion passed 8-0.

**5. Consideration to enter into an agreement with Enable Gas Transmission Co for temporary and permanent easements for gas transmission lines on city property (Landfill) Tract 1 and water storage Tract 5 locations.**

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Mayor Townsell asked council to hold this item in committee until further notice. Alderwoman Smith motioned to hold this item in committee. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**C. Finance**

**1. Ordinance appropriating funds for employee appreciation bonuses.**

**O-13-134**

Mayor Townsell stated this bonus would be at a cost of \$172,533.00 in the form of a fund balance appropriation; the breakdown by department is listed below. The Mayor explained this will be a net of \$300.00 for full time employees, and a \$150.00 net for part time employees. 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 and the emergency clause. Alderman Hawkins 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.

- General Fund - \$129,229.00
- Street Fund - \$11,981.00
- Sanitation Fund - \$30,638.00
- CDBG Fund - \$685.00

**D. Old Business**

**E. New Business**

**1. Consideration to move the next regularly schedule City Council meeting (December 24<sup>th</sup>, 2013) to an alternative date.**

After some discussion Alderwoman Smith motioned to move the next scheduled meeting to Tuesday December 17, 2013 at 6:30 pm. Alderman Jones seconded the motion. There was no discussion. The motion passed 8-0.

**Adjournment**

**PASSED this 10<sup>th</sup> day of December 2013**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**