
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
July 14, 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, Alderman Grimes, Alderwoman Mehl, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson. Alderwoman Smith was not in attendance.

Call to Order: Mayor Tab Townsell

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

Minutes: June 23, 2015 City Council Meeting

Alderwoman Whitmore motioned to approve the minutes as submitted. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0.

1. Report of Standing Committees:

A. Public Hearing

1. Public Hearing / Ordinance closing the southern 25 feet of the Mill Pond Road right-of-way adjoining Lot 27 Round Mountain Subdivision.

Mayor Townsell opened the public hearing. Bobby French, Central Arkansas Professional Surveying representing Marcia Garis, explained the Garis' are seeking to close the south 25 feet in order to build a house as they were unaware that the right of way was 100 feet. Mayor Townsell stated 100 ft. right of way is normally reserved for our larger roads and there is no possible way to have that large of a road in this location. Mr. French stated that is correct and he does not see this being a problem for the Street Dept. projects. Mayor Townsell closed the public hearing.

O-15-75

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

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

1. Consideration to swap land with Conway Corporation in regards to providing a buffer for property on Cadron Creek.

Richie Arnold, Conway Corporation, explained Cadron Creek is designated as our emergency backup water supply and feels it would be a good strategy for us to have the

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

option to make that a supplemental water supply in the future, if in the future we cannot expand Brewer Lake and are unable to find water elsewhere. Mr. Arnold stated when you this is done you need a 300 foot buffer on either side of the creek, within a one-half mile radius of the intake structure; we have been acquiring property on both sides and when we acquired the property next to the bridge, on the same side as the landfill, we had 1.8 acres that we do not need but it was a part of a larger tract, but we do need 1.35 acres from the City that is part of the landfill property that Conway Corporation purchased years ago, and it is so close to the creek he does not believe it can be used for fill. Mr. Arnold stated he believes the trade would be good as the City would get more acreage as well as picking up some fill from this area. Alderman Hawkins motioned to approve the land swap. Alderman Ledbetter seconded the motion. There was no discussion. The motion passed 7-0.

2. Ordinance adopting a net metering rate and amending Section One of Ordinance No. O-05-143.

O-15-76

Richie Arnold, Conway Corporation, explained Act 827 of the last legislative session changed the net metering rules and laws and allows for greater capacity to be installed on residential and commercial structures. Mr. Arnold stated net metering installations require that customer owned generation be of the renewable variety, typically it is solar. Mr. Arnold stated besides increasing the amount that can be installed, it also allows if excess generation exists on the meter after 24 months, Conway Corp. would be required to buy that energy from the customer; in the past it would expire at the end of the calendar year. Mr. Arnold stated this would require us to purchase the energy at an avoided cost rate, if it is greater than \$100.00 worth of energy and this ordinance establishes what the rate is. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 7-0. Alderman Jones 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 Grimes, Alderman Pruitt, Alderman Ledbetter, Alderman Jones, and Alderwoman Whitmore. The motion passed 6-0-1. Alderwoman Mehl abstained.

3. Resolution adopting net metering rules and regulations of Conway Corporation.

R-15-29

Alderwoman Whitmore motioned to adopt the resolution. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 6-0-1. Alderwoman Mehl abstained.

4. Consideration to approve a change order (#1) for the airport perimeter fence contract for Cantrell Field.

Josh Zylks, Airport Manager, explained the original fence contract was issued in 2012 long before we knew what would be located around the terminal i.e. buildings etc.; the fencing will be black square tube decorative fencing. Mr. Zylks stated this change order includes gates of the same material at the ramp corporate access road, a chain link gate at the T-hangar access road, and the electronics to tie all this into the badge security clearance access control system. Mr. Zylks stated 95% of the total cost of \$75,459.59 will fall under the FAA AIP 2012

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Grant, while 10% (\$7,545.60) will be funded by State ADA and local Cantrell Field sale match funds. Alderman Hawkins motioned to approve the change order. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

5. Consideration to apply for a Department of Aeronautic grant for the airport remote transmitter/receiver site at Cantrell Field.

Josh Zylks, Airport Manager, explained this grant would be 80% funded by the Department of Aeronautics and 20% by the City; this would construct the facility that is required by the FAA to install their remote radio transmission equipment which the FAA now requires to be placed in a standalone facility (drawing included in packet). Mr. Zylks stated the total cost of the project would be, if council approves the bid, \$435,160.00 of which 80% (\$348,128.00) would be funded by the State and with a local match of \$87,032.00 of which \$80,000.00 has been set aside through Representative McGee in GIF Funds administered through CAPDD and \$7,032.00 will be paid from Cantrell Field sale funds. Mayor Townsell stated we owe a lot to our legislative delegation, specifically Senator Rapert for stepping up, and to Governor Hutchinson for getting behind this project, understanding that we were caught in the middle between the FAA and the entity responsible for these remote transmitters not wanting to fund this new facility. Alderwoman Whitmore motioned to approve the application of the grant. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

6. Consideration to approve the bid for the construction of the remote transmitter/receiver facility at Cantrell Field.

Josh Zylks, Airport Manager, recommended awarding this bid to Rick McGinty Company, Inc. in the amount of \$345,326.00 contingent upon the City securing the ADA 80/20 grant. Alderwoman Whitmore motioned to approve the low bidder. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Resolution setting a public hearing to discuss the closing of an alley in Block 7 of the Burns Addition.

R-15-30

Alderwoman Whitmore motioned to adopt the resolution. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0. The public hearing will be held July 28, 2015 at 6:30 pm.

2. Resolution requesting the Faulkner County Tax Collector to place certified liens on certain properties as a result of incurred expenses by the City.

R-15-31

Alderman Hawkins stated the property address is 516 First Ave; the cost of cleanup was \$172.15 (\$129.23 + Penalty \$12.92 + filing fee \$30.00). There was no one present to speak to

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0.

R-15-32

Alderman Hawkins stated the property address is 2522 Robinson; the cost of cleanup was \$175.90 (\$132.64 + Penalty \$13.26 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

R-15-33

Alderman Hawkins stated the property address is 66 Briarwood Circle; the cost of cleanup was \$195.36 (\$150.33 + Penalty \$15.03 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

R-15-34

Alderman Hawkins stated the property address is 26 Briarwood Circle; the cost of cleanup was \$198.24 (\$152.95 + Penalty \$15.29 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

R-15-35

Alderman Hawkins stated the property address is 2440 Jerry Lee; the cost of cleanup was \$211.32 (\$164.84 + Penalty \$16.48 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

R-15-36

Alderman Hawkins stated the property address is 1832 South Blvd; the cost of cleanup was \$248.69 (\$198.81 + Penalty \$19.88 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

R-15-37

Alderman Hawkins stated the property address is 36 Brier Springs; the cost of cleanup was \$452.71 (\$384.28 + Penalty \$38.43 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

- 3. Consideration for the Community Development Department to enter into a consortium agreement with J-Quad for the preparation of the analysis of impediments to Fair Housing.**

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Lauralee McCool, CDBG Director, explained the analysis of impediments to Fair Housing is a planning document that HUD requires every 5 years and the last time this agreement was completed we entered into an agreement with other cities to try and save money and we are simply doing this again. Conway's portion of the cost would be \$14,625.00. Alderman Grimes motioned to approve the agreement. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

4. Ordinance accepting and appropriating reimbursement funds for travel for the Administration Department.

O-15-77

Alderman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 8-0. 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 Grimes, Alderman Pruitt, Alderman Mehl, Alderman Ledbetter, Alderman Jones, and Alderman Whitmore. The motion passed 7-0.

5. Consideration to purchase right of way property (Farris Property) for Tucker Creek Pathway Project.

Finley Vinson, City Engineer, stated all parties are in agreement here but pointed out that the agreement in your packet did not correctly state the owners of the property and believed a correction has been emailed and should show three owners instead of one. Mayor Townsell stated the owners should be William Farris, Susan Farris Ford, and Cole Farris. Mr. Vinson stated that is correct. Mayor Townsell stated this is an appraised value of 0.875 acres west of the creek centerline including a portion of the residual remnant land across the creek from the main portion of the Farris property. Alderman Whitmore motioned to approve the right of way purchase in the amount of \$25,000.00. Alderman Hawkins seconded the motion. There was no discussion. The motion passed 7-0.

6. Consideration to purchase right of way property (Pediatrics Plus) for the Tucker Creek Pathway project.

Finley Vinson, City Engineer, recommended tabling this item tonight as Pediatrics Plus does not own this property, it is leased from a company called Broadstone PP Arkansas, LLC. Mr. Vinson stated he received a phone call and email from them today and they would prefer to dedicate an easement, rather than sell the property and feels confident that we can resolve this issue. Alderman Whitmore motioned to hold this in committee. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

7. Consideration to approve right of way acquisition for Tract 5A and 5B (Kuettel) in regards to the Cantrell Field Access Improvement Project.

Finley Vinson, City Engineer, recommended holding this item in committee; after speaking with Mr. Kuettel after the last council meeting Mr. Kuettel informed him that information he provided to the City was some comparisons he had gotten from a business associate and he had not actually had an independent appraisal, and he requested time to get a second

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

appraisal. Mr. Vinson stated Mr. Kuettel will be available at the next city council meeting with his appraisal and O.R. Colan will also be in attendance. Alderwoman Whitmore motioned to hold this item in committee. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

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

- 1. Ordinance waiving the competitive bid process and appropriating funds for the construction of additional restroom facility at Conway Station Park.**

O-15-78

Steve Ibbotson, Parks Director, explained we wish to waive the bidding process since Salter Construction completed the original project and they are familiar with the placement of the underground utilities and irrigation lines. Mr. Ibbotson stated we will also be attaching to an existing building that Salter Construction is responsible for and we have looked at the price on this for more than a year and they are holding to the price and we would like to move forward with Salter Construction. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, and Alderwoman Whitmore. The motion passed 6-0. Alderman Hawkins exited the meeting prior to the vote.

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

- 1. Ordinance appropriating asset forfeiture funds to the Conway Police Department.**

O-15-79

A.J. Gary, Chief of Police, explained we are in need of mortar work around the precast blocks at the base of the building and if left unrepaired the elements will cause more damage to occur. Chief Gary stated we also wish to purchase roller shades to cover some of the larger windows because at certain times of the year the sun is very bright inside the building; the cost for the mortar repair and the roller shades is \$15,550.00. Chief Gary stated we also wish to upgrade the CID cameras for the investigation interview rooms as we have had problems with them over the years; the cost of the upgrades is \$18,805.00. Chief Gary stated these items will be paid for by asset forfeiture funds. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 6-0. Alderman Jones 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 Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, and Alderwoman Whitmore. The motion passed 6-0.

- 2. Ordinance appropriating reimbursement funds from various entities to the Conway Police Department for extra duty services.**

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

O-15-80

A.J. Gary, Chief of Police, explained the \$4,742.99 is reimbursement from various entities for extra duty services. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderman Jones motioned to adopt the ordinance. Alderman Ledbetter seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, and Alderwoman Whitmore. The motion passed 6-0.

- 3. Resolution requesting the adoption of the Conway Police Department 2015 policies and procedures manual and authorization to apply for the State Accreditation program.**

R-15-38

A.J. Gary, Chief of Police, stated this is a two part resolution, one adopts our policy and procedures and two, allows us to enter into an agreement with the Arkansas Law Enforcement Accreditation Program through the Association of Chiefs of Police at the cost of \$250.00 annually; this is in addition to our national accreditation. Chief Gary explained we are assessed every 3 years upon our policies and procedures. Alderwoman Whitmore to adopt the resolution. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 6-0.

- 4. Ordinance preventing the loud and unnecessary noise and prohibiting the practice of engine compression braking in the City of Conway.**

O-15-81

Chuck Clawson, City Attorney, explained he and Alderman Pruitt researched and found other ordinances and stated many cities address this issue generally in their noise ordinance. Mr. Clawson stated this has been an issue on some of the highways coming into town that are near residential areas. Alderman Ledbetter stated a section of this ordinance also states you cannot use the engine compression brake and asked if this is accurate. Mr. Clawson stated basically this ordinance states you cannot use them unless it is an emergency and after checking with city departments the only department that uses them is the Fire Dept.; he provided for an exception for emergency vehicles. Alderman Ledbetter stated the title states it prohibits the practice of engine compression braking. Mr. Clawson stated it does and it allows them to be used in emergency situations to prevent property or personal injury (Section 3). Alderman Ledbetter stated he was under the impression that it was going to read that you could not use brakes that caused extreme noise as there are some that do not make noise, and these are very useful piece of equipment on a truck. Alderman Pruitt asked which ones do not make noise. Alderman Ledbetter stated the loud noise typically comes from either straight exhaust pipes or worn out mufflers. Alderman Pruitt stated he is not sure how to differentiate and stated some vehicles hit it coming over the ridge on Hwy 65 North which is next to a residential neighborhood which is subjected to the noise. Alderman Ledbetter stated at the same time people also hit it going through Conway. Alderman Pruitt stated we are only trying to eliminate the noise. Alderman Ledbetter stated he would hate to outlaw the good things that are in it, to eliminate the bad. Alderman Ledbetter stated it would still be against the law. Alderwoman Mehl stated if they are using it and it is not heard then how

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

could it be enforced. Mr. Clawson referred to Section 2 of the ordinance which states: *"It shall be unlawful for the driver of any truck or other motorized vehicle to use or operate or cause to be used or operated within the City of Conway, Arkansas, any engine compression brake which results in excessive, loud, unusual, or explosive noise from such vehicle"*. After some discussion among council Mr. Clawson stated we are just trying to prevent the use of them when it is excessive and unnecessary. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 6-0. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Grimes, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, and Alderwoman Whitmore. The motion passed 6-0.

Adjournment

PASSED this 14th day of July 2015

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett