
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
November 6, 2007

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; Alderwoman Smith, Alderman Vaught, Alderman Hawkins, Alderman Jones, Alderwoman Mehl, Alderman Bell, Alderwoman Whitmore, and Alderman Grimes. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy.

1. *Call to Order*
2. *Roll Call*
3. *Minutes: October 23rd, 2007*

Alderwoman Smith motioned to approve the Oct. 23, 2007 minutes as submitted. Alderman Hawkins seconded the motion. The motion passed 8-0.

4. *Recognition of Guests: None*

Alderman Hawkins motioned to suspend the rules to discuss MEMS. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Jon Swanson, Executive Director, MEMS, presented the annual report for 2006 and explained he initially thought a subsidy request would not be necessary for Conway, but that has now changed. Mr. Swanson stated one reason for this is the declining Medicare reimbursements that have affected the entire industry. Mr. Swanson reminded everyone that MEMS is a public non-profit organization; are governed by a board of directors and are debt free. The 2006 financial performance shows the projected gross billings were \$27 million; the actual experience was \$28.6 million. Contractual's which represents specifically Medicare and Medicaid write offs, which is money they are not allowed to collect, increased 8% over the forecasted amount; and uncompensated represent individuals who are unable to pay for ambulance services increased 16% over the forecasted amount. Mr. Swanson stated on the expense side, they are understaffed and over budget due to paying overtime premium to fill shifts; under budget on benefits and 1.1% over budget on all other expenses. This is a total of 22% off of the forecasted amount for the year. Mr. Swanson explained he broke down all the costs at MEMS into three areas to determine the subsidy amount; direct costs, corporate overhead, and marginal overhead. Mr. Swanson stated initially to avoid a subsidy they thought they should reduce the number of Foxtrots (supervisors) but determined this was a

bad idea as they can make a run when all other units are out; and this group represents their most experienced people. Bart Castleberry, Fire Chief, stated MEMS is by far the best group we have had in Conway. The Foxtrots report to the command post of a scene and they take care of triage. They also show up to a structure fire and setup rehab for the fire fighters and they have been a tremendous asset to Conway and we have become used to this level of response and they are well worth the subsidy. Timothy Calicott, ER Physician, Conway Regional Medical Center, stated we have the best EMS service that Conway and Faulkner County has ever had and he supports the subsidy and feels it is a good idea. Mr. Swanson stated the projected subsidy request is \$91,531 and explained there will need to be an amendment made to the inter-local agreement between the city of Little Rock and the city of Conway. Alderwoman Smith asked if this subsidy would be needed on a yearly basis. Mr. Swanson stated he proposes to re-evaluate the need for a subsidy each September with the expectation that the subsidy request should go down because of the increase in volume; but explained there is a potential for us to request a subsidy again next year. Sandy Brewer, Conway's MEMS Representative, stated that in years prior to MEMS coming to Conway the ambulance service in Faulkner County was mediocre at best and urged the council to approve the subsidy. Mayor Townsell stated we could go against the advice of our fire chief and medical professional and go with the low cost option but no one is recommending this. The most important thing is to get the patient in the care of a paramedic as quickly as possible, and by keeping the extra Foxtrots it will allow us to have more operating paramedics at any given time than ever before. Alderman Bell motioned to approve the subsidy amount of \$91,531 for the 2008 budget. Alderwoman Smith seconded the motion. There was no further discussion. The motion passed 8-0.

5. *Public Hearings:*

A. *Public hearing to discuss removing the word "access" from a utility & drainage easement between Lots 19 & 20 in the Shady Valley subdivision.*

Mayor Townsell opened the public hearing. Bruce Hendricks representing the property owners involved stated they wish to remove the word access in order to keep the area from possibly becoming a walkway in the future. Mayor Townsell closed the public hearing.

1. *Ordinance to remove the word "access" from a utility & drainage easement between Lots 19 & 20 in the Shady Valley subdivision.*

O-07-131

Aldерwoman Smith motioned to waive the readings of the ordinance. Aldерwoman Smith motioned to adopt the ordinance. Aldерman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерman Vaught, Aldерwoman Smith, Aldерman Bell, Aldерman Jones, Aldерwoman Whitmore, and Aldерwoman Mehl. The motion passed 8-0.

6. Report of Standing Committees:

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

- 1. Resolution setting a public hearing to discuss abandoning the east/west leg of Bill Dean Drive in the I-40 South Commercial Park.**

R-07-38

Aldерman Bell motioned to adopt the resolution. Aldерwoman Smith seconded the motion. The motion passed 8-0. The public hearing is set for Tuesday November 27, 2007 at 6:30 p.m.

- 2. Resolution setting a public hearing to discuss abandoning a utility easement located in the I-40 South Commercial Park, between lots 2 & 3.**

R-07-39

Aldерman Bell motioned to adopt the resolution. Aldерwoman Smith seconded the motion. Mayor Townsell stated the date on the resolution should say November 27, 2007. All council members were in agreement. The motion passed 8-0. The public hearing is set for Tuesday November 27, 2007 at 6:30 p.m.

- 3. Resolution setting a public hearing to discuss closing a portion of Fleming Street between Susan Lane and West Street.**

R-07-40

Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. The motion passed 8-0. The public hearing is set for Tuesday November 27, 2007 at 6:30 p.m.

4. Ordinance appropriating funds for a GIS Coordinator for the Conway Planning Department.

O-07-132

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

5. Ordinance to rezone property located at 105 and 107 Lower Ridge Road directly north of the intersection of Lower Ridge Road and the eastern terminus of Azalea Loop from A-1 to C-2.

O-07-133

Alderman Hawkins motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Hawkins motioned to deny the request. Alderwoman Smith seconded the motion. Rick Watson stated they would like to install a "Twice the Ice" ice machine on this property; all that is required is to have water run to it and stated any runoff would go into the ditch and would be minimal. Marsha Chase, 8 Azalea Loop, stated she is against the rezoning; she feels that it could allow for other things to be brought into the area such as a restaurant. Pat Clark, area property owner, stated she is concerned about the drainage without any sewer. Sandra Bryant, Azalea Loop, stated she lives directly across from where this unit would be installed and feels this is not a good location as they already have sewer issues and problems with the water run off from the hill. Bryan Patrick, Planning Director, stated this could be approached as restricted retail and the applicants could go for an RU-1 zone with a conditional use so it could be tied to this particular application. Mayor Townsell stated this could be withdrawn and resubmitted as RU-1 and be brought back within twelve months. Alderman Hawkins motioned to deny the request. Alderwoman

Whitmore seconded the motion. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion to deny passed 8-0. Alderman Vaught motioned to allow the applicant the option to come back before the Planning Commission within twelve months. Alderman Bell seconded the motion. There was no discussion. The motion passed 8-0.

6. Ordinance to rezone property at the southwest corner of Reedy Road and Ryan Road addressed as 449 Reedy Road from R-1 to O-2.

O-07-134

Cliff Henry, Attorney at Law, representing Joe and Margaret Darter stated that all the activities going on around the residence in the early morning hours is detrimental to the property as a residence; and would also make it harder to sell as a residential piece of property and feels that an O-2 zoning would be a good transitional area between the commercial and residential areas. Alderwoman Smith asked what their plans were for the property. Mr. Henry stated they are not sure at this time. Alderwoman Whitmore asked why the Planning Commission denied this request. Bryan Patrick, Planning Director, stated there were several neighbors who were opposed to the rezoning. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Bell 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": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

B. Public Service Committee (Sanitation, Parks & Recreation, & Physical Plant)

1. Ordinance accepting and appropriating grant proceeds awarded to the Sanitation Department.

O-07-135

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Mayor

Townsell stated this is grant is for \$30,000 and is for recycling and this money will be used for the purchase of a recycling truck and two recycling trailers. Alderwoman Whitmore motioned to adopt the ordinance. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

- 2. Ordinance requesting approval for the purchase of two new vehicles and the appropriation of funds to allow such purchase for the Parks Department.**

O-07-136

Brian Knopp, Parks Director, was present to answer questions. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Bell seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

C. Public Safety Committee (Police, CEOC, Fire, Dist. Court & City Atty., & Animal Control)

- 1. Ordinance appropriating funds for the City Attorney's office for plumbing repairs for the Guy Murphy Building.**

O-07-137

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

2. Consideration of a request from the Wescon Volunteer Fire Department asking for the CFD to take over its jurisdiction.

Bart Castleberry, Fire Chief, stated it is very likely that Wescon Volunteer Fire Dept. will be closing effective Jan. 1, 2008. The county gets approximately \$7,000 in Act 833 monies which we would have to split with the Pine Village Volunteer Fire Dept; which would split the area with the city. Chief Castleberry stated we would be covering a large area and gaining approximately \$10,000. Chief Castleberry is not sure if we could count that as an asset and he feels like until we could get a fire station out there that has water, this would stress an already taxed service. Mayor Townsell stated we have already told the Federal Aviation Administration that we are going to annex this area and take over the planning for the area so we can control the land use. Mayor Townsell went onto say that we would really not be taking on too many additional duties that we wouldn't be doing anyway once the annexation takes place. Alderman Bell stated his main concern is the ISO rating. Chief Castleberry stated we are stretched thin right now due to FMLA and sick time. Alderwoman Smith and Alderman Vaught stated if we do this we would have to increase manpower. Mayor Townsell stated he does not think we will need as many firemen as we do policemen. Alderman Hawkins stated he is not in favor of this if it in any way jeopardizes our ISO rating. Chief Castleberry stated we have covered this area as a mutual aid department for a number of years and recently we have responsible for that area when Wescon could not respond. Mayor Townsell stated Wescon is going away and there will be no coverage out there and we will jeopardize our ISO rating anyway as soon as we annex out to the new airport. Chief Castleberry asked if we would run water out there once it is annexed? Mayor Townsell stated no, the city nor Conway Corp. will not run water or extend the sewer; development extends the water and the sewer and down the line we can expect water and sewer to be run down to the airport and that will provide the hydrants. Alderman Grimes asked when we plan on annexing the area. Mayor Townsell stated when we get the full buy in from the FAA that our airport will work in the proposed location and that could happen within the next year. Alderman Grimes asked if there is no development how will water and other utilities get to the airport. Ronnie Hall, City Engineer, stated that the proceeds from the sale of the existing airport will pay for utilities to the new airport. Mayor Townsell stated that Conway Corp. is looking at putting a sewer plant out there which will push water and sewer out there in a shorter time frame than the airport would. Mayor Townsell went onto say that if we annex to

such an extent that we have a large area that is so removed from our existing system that we can service what we will get is a split jurisdiction. The area that does not have services will have its proper ISO rating and the existing area will stay where it is. Chief Castleberry stated this is the right thing to do and if we don't do this they will have no protection; we may not be able to put out the fire but we could possibly save a life. Alderman Grimes stated we are talking about using city assets that are paid for by city tax dollars to benefit people who do not live in the city. Alderman Jones stated we are talking about people and possibly being able to rescue someone. Alderman Vaught asked if we offer our fire services to other non-citizens of Conway. Chief Castleberry stated we have a mutual aid agreement with every department in the county. Elwood Smith, Board President Wescon VFD, stated when he moved here in 1992 they were at the tail end of the Wescon district at that time and due to the absence of volunteers of all types he has remained on the board all of this time. He does not want his ISO rating to go up but the fact is that there are not enough volunteer fire fighters. Mr. Smith stated they have approximately 20 fires a year and the Conway Fire Dept. comes and supports them in their efforts at approximately three-quarters of these. Mr. Smith stated that they have six fire fighters and three vehicles; the requirement is four fire fighters per vehicle and they respond as well as they can and he feels that if Conway can cover the northern part of the area and Pine Village can cover the southern part that is better coverage than they can provide and is in agreement with Chief Castleberry's proposal. James Garnett, Wescon VFD Fire Chief, explained that he has two fire fighters available during the day and if for any reason they are unavailable that makes Wescon unavailable. Mr. Garnett explained that he feels that the charges added to the property owner's personal property taxes and the Act 833 should cover the costs of fire protection in this district and no citizen of Conway would be paying for these residents fire protection and he believes that taking over the Wescon district is the appropriate thing to do. Sandy Brewer stated if Conway takes over fire protection for the Wescon district the city would be setting a dangerous precedence as you would be extending city services that belong to the citizens of Conway and he suggested that this area fall under Pine Village VFD and if we continue to maintain a mutual aid agreement with Pine Village VFD this would allow Conway FD to respond as we do now. Alderman Hawkins stated he doesn't think that Pine Village VFD would want to build a facility to service this area knowing that the city could come in and annex and take their property. Alderman Hawkins stated he feels like this is going to take more discussions to determine what to do and proposed scheduling a special meeting to discuss this further.

Alderman Hawkins motioned to hold this item in committee and put a special committee together to look at all the issues involved. Alderman Bell seconded the motion. The committee meeting is scheduled for Tuesday Nov. 20, 2007 at 6:30 p.m. There was no further discussion. The motion passed 8-0.

3. Ordinance appropriating revenue funds to the Conway Fire Department.

O-07-138

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. Alderman Jones seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

4. Ordinance authorizing a temporary position (telecommunicator) for the CEOC.

O-07-139

Alderman Bell 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. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

5. Ordinance accepting assets obtained through court order for the CPD.

O-07-140

Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes,

Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

6. Ordinance appointing a commissioner to the Civil Service Board due to a resignation.

O-07-141

Mayor Townsell recommended appointing Sandy Brewer to fulfill the final four years of this seat. Alderwoman Smith motioned to appoint Sandy Brewer to the position. Alderman Bell seconded the motion. The motion passed 8-0. Alderman Bell motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith exited the meeting. Alderman Bell motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 7-0. Alderwoman Smith was not present at the time of the vote.

7. Old Business

8. New Business

A. Ordinance appropriating funds to landscape the Prince Street & Bob Courtway roundabouts.

O-07-142

Alderman Bell 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. Alderwoman Whitmore seconded the motion. There was no discussion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

B. Ordinance appropriating funds to purchase note cards and t-shirts for resell for public art.

This item was withdrawn from the agenda.

C. Ordinance appropriating funds for the employee appreciation bonus.

O-07-143

Mayor Townsell stated the standard level the past several years has been \$250 for a full time employee and \$125 for a part time employee. Mayor Townsell explained that he has been asked to consider increasing this amount to \$300 for a full time employee and \$150 for a part time employee. The total fund balance of the standard bonus would cost \$137,819 and to increase it to a \$300/\$150 bonus it would cost \$164,831. Alderman Jones asked if council discussed increasing this amount last year. Mayor Townsell stated yes and noted that this money would come out of fund reserve not out of next years budget. Alderman Hawkins asked how much money was in fund reserve. Mayor Townsell stated 4 million. Alderman Hawkins motioned to approve the \$300/\$150 bonus for this year. Alderwoman Whitmore stated we need to make it clear it may just be for this year only. Alderwoman Smith motioned to waive the readings of the ordinance for the \$300/\$150 bonus. Alderman Bell seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to waive the readings of 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": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

D. Ordinance authorizing the issuance and sale of bonds for parks and trail improvements for the City.

O-07-144

Jack Trumper, Stephens Inc., and Gordon Wilbourn, Kutack Rock, were present to answer questions. Mr. Trumper stated they are scheduled to sell bonds either on Nov. 13 or 14, 2007 and the tentative closing date will be Dec. 12, 2007 and he anticipated raising somewhere in the neighborhood of \$13,750,000 for the projects and will be insured. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 8-0. City Attorney, Michael Murphy, read the title of ordinance O-07-144. Alderman Hawkins motioned to adopt the ordinance and the emergency

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clause. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Smith, Alderman Bell, Alderman Jones, Alderwoman Whitmore, and Alderwoman Mehl. The motion passed 8-0.

Adjournment

There was no further discussion and the meeting was adjourned.

PASSED this 6th day of November 2007

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett